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THE SIGNIFICANCE OF PSYCHOLOGY FOR THE STUDY OF POLITICS

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As a part of its work, the committee on research of the American Political Science Association has undertaken a survey of the relation of politics to kindred types of inquiry, including psychology, anthropology, geography, biology, engineering and others. The purpose of such an inquiry is to explore the relationships that exist with kindred sciences, to facilitate coöperation with our fellow-workers, to improve our methods of investigation, and to promote the progress of political science.

The committee is not responsible for this report, for its form or content, its scope or method, its sins of omission or commission. Probably the general sentiment of the committee toward psychology would be expressed by the phrase, *con amore ma non troppo*.

It may be worth while at the outset to scrutinize some of the earlier relations of psychology to political science, for the friendship is one of long standing. In the earlier forms of political thinking, there are crude types of psychology that are of great interest and significance in the development of the art of political thinking. These philosophers evidently utilized all of the psychology that was current in the construction of their political systems.

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At the basis of Plato's political theory there was a form of physiological psychology. He set up a correlation between the head, the heart and the abdomen, and the virtues of intelligence, courage and moderation; and to these correspond the three classes, the guardians, the warriors and the workers. Justice is the harmonious coöperation of these three faculties in the individual, and the harmonious coöperation of the three classes in the society. This may seem more like physiology than psychology, but in any case it shows clearly the effort to set up a system of theory on a basis of physical-mental analogy, using such information as was then available.

Aristotle abandoned the Platonic analysis and undertook the task of concrete observation on a systematic scale. Man is by nature a political animal, and therefore the foundation of politics is the normal reactions of men in social life. Thus slavery is a natural institution; the family is a natural institution. So also the state is a natural institution, requiring no other explanation than the observation of human conduct. The ideal citizen and the ideal state are means between extremes, rather than balanced types as discussed by Plato. In Aristotle there is little analysis of traits, but the ground is prepared for the objective study of human behavior on its political side. It would have been possible to take the next step in the scientific order, and begin the systematic observation of all of the so-called natural activities of mankind, and then to classify and analyse these processes more closely.

Machiavelli was the next thinker to begin a direct observation and discussion of human political traits. In his examination of the methods and the psychological equipment of the tyrant, he develops the qualities of cruelty, infidelity, hypocrisy, and suggests alternative types with their advantages and disadvantages, with the keenest insight into political motives and into political behavior. While not as broad in his treatment of types as Aristotle, he excelled the Greek in his minute analysis of a particular system, and in his portrayal of the minutiae of political conduct of certain types, notably the tyrants of his day.

John Locke as a physician was fully abreast of the physiology

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of his day, just then beginning to develop, and as a philosopher he was fully acquainted with the current theory of knowledge. His type of political philosophy was peculiar, however, in that it began with a natural man in an assumed state of nature. The characteristics of this man were analysed and described out of hand and without much regard to practical observation. The state of nature he had never seen, and as he himself said, history comes before records. Hence no one is in a position to say just what happens in an actual state of nature. The philosophers had not arrived at this stage of human development. Under such circumstances, the account of the political traits of men was inevitably very unsystematic, and indeed sometimes very naive. In general he divested the civil man of his civil characteristics, and then produced the natural man, carefully filling him, however, with all the qualities necessary to bring him back again safely into civil society.

A more elaborate system was that of Hobbes who by the same method reduced man to a state of nature and then built him up again. Hobbes, however, developed an interpretation in frank terms of appetites and aversions, not wholly unlike what we sometimes call tropisms. He finds three causes of strife—competition, diffidence and glory. He also at great length equips the natural man with a full set of political motives: to seek peace, self-defence, keeping of contracts, gratitude, complaisance, revenge, cruelty, contumely, equity, and so forth.

It is clear that the character of this process made it impossible to advance rapidly in the analysis of human conduct on its political side. The several writers on natural law each unfolded the traits of the primitive man, as he believed they should be developed, but not upon the basis of observation. The systems developed were manufactured from the thinker's imagination of what men were in the time before government was established—a difficult condition to prove, or for that matter to refute, for there was no material for assertion or for contradiction.

Rousseau in his earlier writings endeavored to describe human conduct in the precivil state, but in his later works undertook

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to interpret politics, not in terms of primitive origins, but in terms of will. The significance of will was evident throughout the social contract. The general will was a useful contrivance for his purposes. Will is indivisible, he said; will is inalienable. The general will is consequently a much more useful conception for the maintenance of popular sovereignty than the earlier doctrines of popular rights or power, which might be subdivided or might be alienated. Likewise, the individual will, the official will and the general will, may be set against each other and balanced. In emphasizing will, however, Rousseau started a new line of political speculation, in terms of a trait bordering on the domains of psychology, although not of course modern psychology.

It is plain that no scientific progress could be made with the methods employed by the *naturrecht* philosophy, for the whole inquiry into political traits was *a priori* and essentially uncritical. Contrasted with a political theory which held that government and governors rested upon divine rights, or that it was treason to think of the bases of government at all, the natural-law philosophy was an immense advance; but its limits were soon reached, and it was difficult to go farther without retracing the course of political inquiry and advancing by some other way.

With the utilitarians, another method of inquiry was begun. The attempt to interpret politics in terms of an assumed state of nature was abandoned, and an effort made to analyse conduct in terms of pleasures and pains. The hedonistic calculus superseded the speculations on the state of nature. The greatest good of the greatest number is to be the basis of legislation, and these "goods" are to be measured and determined by the calculus of pleasures and pains. Here we have the beginnings of a new analysis of political and economic motives, which proved very useful for immediate purposes of reform, and started an interesting line of observation of human motives and traits.

Following this period, elaborate attempts were made, both before and especially after the Darwinian discoveries, to develop analogies between the state and the organism, or between the

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methods of natural science and those of politics. These have been well summed up in the thoroughgoing study made by Dr. Coker.[1]

In more recent times the need of the development of a type of political psychology has been suggested by many students of politics. Thus President Lowell says: "The last generation has made great strides in the study of psychology. . . . But the normal forces that govern the ordinary conduct of men in their public relations have scarcely received any scientific treatment at all. In short we are almost wholly lacking in a psychology of parties."[2]

James Bryce in all his political writings displayed a keen interest in the analysis of political forces, and in his last work on *Modern Democracies* declared that psychology is the basis of government. "Politics," said Lord Bryce, "accordingly has its roots in psychology, the study (in their actuality) of the mental habits and vocational proclivities of mankind."[3]

Better known, perhaps, are the efforts of Graham Wallas to establish the significance of psychology in the domain of political inquiry, especially in his volumes on *Human Nature and Politics* and *The Great Society*. Seldom systematic in his work, the writings of Wallas have been suggestive and stimulating, and have aroused widespread interest in the fundamental basis of the study of political phenomena. Essentially a classicist in training and an essayist in style, Wallas found it difficult to put into actual practice the doctrines he preached, and never made much use of the experimental or statistical methods. His actual contact with political events seemed to have given him a sense of realities in the political world that were not

[1] F. W. Coker, *Organismic Theories of the State*. Compare also David J. Ritchie, *Darwinism and Politics*, and M. M. Davis, *Psychological Interpretations of Society*, 1909.

[2] *Government of England*, 1, 448, See also his significant presidential address on "The Physiology of Politics". *American Political Science Review* IV, 1–15, noting that "the subject lacks the first essential of a modern science—a nomenclature incomprehensible to educated men."

[3] I, 15. See also chapter 13 on traditions; also the chapter on Obedience in *Essays in History and Jurisprudence*.

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being developed in the texts, and toward these realities he was groping.

The writings of Walter Lippman, especially his *Public Opinion*, indicate a sharp interest in the more minute analysis of political phenomena, best expressed perhaps in his discussion of the stereotypes of political personalities and governmental processes and events. From some of the implications or applications of differential psychology Mr. Lippman has reacted violently, challenging both the validity of the tests as such and their social and political interpretation, if valid.

In recent years psychology has undergone rapid and marked changes. Psychology has been transformed from a largely speculative to a largely experimental type of study, or at least is in the way of becoming definitely experimental. These developments have been especially marked in physiological psychology, in the study of animal behavior, in abnormal psychology, psychiatry, psychoanalysis, in mental measurement and in behaviorism.[4] In the American Psychological Association the following divisions are found: general psychology, applied psychology, experimental psychology, mental measurement, comparative psychology, and clinical psychology.

There is, of course, the widest diversity among psychologists and among scientists as to the value and significance of the recent advances in this field, and still wider difference of opinion as to the application of the psychological findings.[5] The stage has even been reached where we may find such discussions as those of S. E. Jelliffe on paleopsychology.[6] A very interesting development is the recent growth of what is termed "applied psychology," and its application to various parts of the social field.[7] In industry and in government there are many striking cases of the newer uses of modern psychology. Instances of

[4] Brett, *History of Psychology*, 4 vols., gives a comprehensive survey of the growth of psychology.

[5] A summary of these differences is given in the *Journal of Educational Psychology*, 12 (1921).

[6] *Psychoanalytical Review*, 10, 1215 (1921).

[7] Hollingsworth, *Applied Psychology*.

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the use of psychology have been assembled by Dr. Gosnell in a paper read before the Association last year.[8] Since that time a notable example of the possibilities in this direction is evident in the studies of the application of psychology to civil service, undertaken by the Institute for Government Research and on a smaller scale by the National Institute of Public Administration.[9]

It is to be presumed that these practical applications will continue, and with the development of psychology and of government will be found upon an increasing scale. One of the phases of psychology that has attracted the widest attention is that of mental measurement, and that because of the numerous generalizations that have been drawn from some of the tests that have been made. Education, citizenship, immigration, democracy,—are all vitally affected by some of the conclusions that have been drawn from the work of mental testing, whether rightly or wrongly. It must be said, however, that most of the dogmatic assertions regarding the bearing of differential psychology on democracy have been made by those who were neither students of government or of psychology, and consequently not qualified to deal with either question, to say nothing of the far more difficult problem of applying one to the other.

The validity of the mental-measurement process has been seriously called in question by many in the field of professional psychology. Whether the measurements test ability any more accurately than records of performance or achievement; just what quality it is that they really test; the limitation of the validity of the tests either because of their verbalism or their adaptation to special sets of circumstances as the schools? All these are technical challenges made by technicians and I shall not undertake to discuss them here.[10] Questions affecting the application of these tests to government and to education

[8] See Harold F. Gosnell, "Some Practical Applications of Psychology to Politics," 28 *American Journal of Sociology*, 735.

[9] See E. M. Martin, in *Journal of Criminal Law and Criminology*.

[10] An interesting analysis of the meaning of these tests is given. F. N. Freeman, "A Referendum of Psychologists," *Century Magazine*, December, 1923.

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have been sharply raised in the acrimonious controversy between Mr. Terman and Mr. Lippman, and also between Mr. Whipple and Mr. Bagley.[11] It is, of course, impossible and unnecessary to follow these controversies through all of their logical and psychological windings in this paper. It is perhaps sufficient to point out for the purpose of this inquiry:

I. The tests thus far made do not show whether the "intelligence" rated is the product of environment and training, or whether it is a characteristic unalterably fixed at birth, and either not subject to modification or to very slight modification.

II. These tests do not show, thus far, the relation between the differentials in intelligence and the kind of capacity that is essential for the purposes of political coöperation and organization in governmental association.

It must, of course, be recognized that there is still an unsolved problem arising, in part, from the fact that geneticists and environmentalists are carrying on types of work of a highly technical kind, but work inadequately coördinated, and therefore relatively unfruitful in certain directions. Nor are we yet informed as to the transmission of acquired characteristics. Until some of the fundamental situations in this controversial field are settled, it will be difficult to draw dogmatic conclusions regarding the complex political and social characteristics of mankind.

Both of these limitations are important considerations in applying psychological conclusions to the problems of political science. Obviously, if general intelligence is a product in great measure of social environment and training, or if the general intelligence measured has no very intimate relation to political intelligence and capacity, the tests have relatively little significance in such a connection.

For my part, I have been unable to discover thus far any conflict between differential psychology and democracy, in any sound interpretation of the theory of either; but that I have considered in another place, and time does not permit extended

[11] G. M. Whipple, "The Intelligence Testing Program and the Objectors Conscientious and Otherwise," *School and Society*, XVII, 561.

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discussion on this occasion. The rôle of inheritance in predetermining social and political traits, as far as our knowledge goes, seems less significant than the part played by social training and environment. In all probability many of the political characteristics of various groups do not go back far in biological inheritance, but are the products of a generation of sophistication in the habits of a particular group. That political ability or capacity is packed in the original chromosomes, or some combination of them, and transmitted from generation to generation, we have yet to prove, if it can be proven at all. Most of what has been written thus far about race political characteristics is twaddle or transparent propaganda, which should deceive no one not under the spell of some form of political hysteria. But if it be shown that political ability follows any such fixed laws, it will then be possible to ascertain what these laws are, determine the conditions under which ability or the lack of it arises, and shape the course of the race accordingly. Eugenics is racing along as fast as mental measurement, and may keep pace with it.

If we reach a point where by scientific process we can breed and train what types of men we would, it does not seem that we should breed and train 3 per cent of genii and 97 per cent of morons. We should probably contrive a more balanced society, with some in advance and some a little behind, with plenty of room for variation in the freak and sport, but leaving the mass of human beings on something like a democratic basis. There are myriad lines of development open to men and women, and the leaders and followers in one cycle need not be those in all cycles of advancement and preferment. Hence, men may be simultaneously superior and inferior in many ways and relations, commanding or leading here and following or obeying there.

Of course, if there are hereditary variations so deeply rooted that they can never be changed, so specificially political as to be significant, we must accept them as a new form of political fatalism. The biologist or the psychologist will have brought about what Plato said must be taught in his system once and

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for all, the divine lie as to the origin of inequality and the basis of status. In the meantime we need not take too seriously the lies that are not divine.

Psychologists have not thus far assayed the rôle of political leaders. When they do, it will be time to scrutinize their political and social presuppositions and patterns. We can then psychoanalyze the psychologists from the point of view of the political scientists. We can then ascertain what has been their social education; whether they are temperamentally adapted to the work of political leadership; whether their economic interests incline them toward radical or conservative or middle-of-the-road positions. And with these presuppositions safely stowed away we may go on to consider their political advice, as we do in the case of other political counsellors.

Mental testing is not the only part of the psychological field that touches upon politics. Psychoanalysis and psychiatry have an important bearing upon certain phases of political life and conduct. Physicians have learned much from the study of the abnormal type, and possibly students of politics might profit likewise by similar types of studies. In criminology, it is true that important use has been made of this principle, and it is significant that great progress has been made by reason of the insights thus obtained. Every court and every custodial institution recognizes this fact in the most evident manner. In the other fields of government we have not made equal use of this possibility. We have, to be sure, some studies of the boss and the grafter, and occasionally a pseudoanalysis of the radical or the rebel or the conservative; but these inquiries leave much to be desired in the way of thoroughgoing and scientific analysis. Sharp analysis of subnormal and supernormal types of citizens and officials might yield useful results in the understanding not only of the abnormal but also of the normal type of citizen. A shallow and speculative form of political psychiatry would, of course, be of little value, except for the sensation-monger, but careful collaboration witht he psychiatrists might enable us to understand better some of the significant phases of our civil life, and we might include the physician, as

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well, in the combination. In judicial and criminological work, in the treatment of defectives and dependents, there can be no doubt that the use of the psychiatrist will be very greatly extended and increased in social and political significance.[12]

Both from a scientific and practical point of view it is important to keep our eyes open to the large possibilities in the coordination of medicine, psychiatry, psychology and political science. Out of such a series of converging interests and disciplines there may come types of social diagnosis and prognosis that may have far-reaching consequences in human behavior, and which may vastly increase the possibility of intelligent social control. In modern communities these factors are somewhat loosely organized at present, but they contain potentialities that cannot be overlooked; and likewise in the scientific field, there are highly interesting vistas of progress in this direction.

Another significant field is that of animal behavior and of child behavior. The study of the subhuman types and the facts of their organization and association have been partly developed, and hold fascinating possibilities for the student of government. Forms of order and precedence were established in animal groups long before the state appears, and in these early types may be seen significant forecastings of the *homo politicus* as he later appears in the course of evolution.[13]

Likewise in the study of the child are found opportunities for the observation of the political attitudes and interests of the later citizen. Here on a simple scale are written large many of the characteristics that later became effective in social and political life. Judging from a few inquiries that it has been possible to make, and others forecasted, the examination of the rise and development of the political ideation and the political behavior of the child has in store for us much of value in the scientific understanding of the adult idea and conduct. In the juvenile group, furthermore, we may readily observe the forces that create, modify and destroy the earlier types of belief

[12] See summary in F. L. Well's "The Status of Clinical Psychology". *Mental Hygiene*, 1922.

[13] W. M. Wheeler, *Social Life Among Insects*.

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or behavior. This is an unexplored field of which it is necessary to speak with reserve, but it appears to contain material of the very greatest value to the searching study of political and social control. And we cannot say that we do not have facilities for observation.

Another important aspect of the case is the relation between psychology and social psychology. Thus far, studies have been made chiefly of the response of the individual to external stimuli. But it will not be long before the question will arise as to the nature of these stimuli, the nature of the groups or the associations out of which the individual comes and which in large measure shape him. In short, we deal not merely with individuals in studying the whole process, but with groups of individuals or societies of individuals; and we must deal with the relations between individuals and groups, and between groups. We must deal with sets of relations which are as real and as capable of study as the reactions of the individual alone. We are studying tropisms of various types, or responses of various types, and these are social as well as individual. At this point experimental psychology will come into contact with social psychology, which has started at the other end of the line and approaches individualistic psychology. Unfortunately, social psychology has, thus far, made relatively little progress in the direction of experimental work. It has been too often content to dwell in the field of speculation in relation to the nature of the social organism or social soul or spirit, much of which is metaphysical, or as Dunlap puts it, metabiological in character, and relatively unfruitful of development. In other cases the social psychologist has advanced only as far as certain large categories, such as imitation, suggestion, consciousness of kind, conflict, compromise, and many others of similar type.[14] In other instances, instincts have served the same purpose. While these analyses have often been suggestive and stimulating, they have not led much beyond this stage, and it may well be that they are not likely to do so.

[14] E. C. Tolman, "The Nature of Instinct," *Psychological Bulletin*, 1923, No. 1, p. 218. Note bibliography.

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Up to the present time, it must be conceded that the development of social psychology has left much to be desired. It is, in the main, still in transition from the old-time philosophy to the newer and more concrete experimental type of science. It is evident that the relation between political problems and those of social psychology is very intimate, and that the maturity of social psychology contains great promise for the students of what may be termed political psychology. The relations between men in the political process are not individual primarily but social. They are reactions, responses, tropisms that are the result of social situations, and of social training and experience. To study them, as if men existed in a vacuum, is to study man as ineffectively as those who wrote elaborate but sterile treatises upon the state of nature and the natural man in the seventeenth and eighteenth centuries. It is especially deplorable that the use of precise measurement in social psychology has been so largely neglected, and that the controlled group has been so little utilized for purposes of experiment.

It may be asked, is it not possible that our real relationship as students of politics is with biology or neurology rather than with psychology? Do we yet know what changes may be wrought in the individual through biological modification or through biochemistry? How far may attitudes and behavior be influenced or determined by strictly biochemical processes which we do not yet thoroughly understand, as for example through certain glands or other physiological functions, or through modifications of neural mechanisms? To what extent is it possible to condition and determine these attitudes by conscious biological or biochemical processes? It is possible that we may make a leader or a rebel, or a good citizen, or a warlike attitude, or a pacific attitude, by biological or biochemical process?

May political methods in time be materially modified by any of these processes which confessedly are still vague and ill-understood? The question answers itself, for these processes are now so little understood as to be of little practical value for the study of politics. But they are being studied with great

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intensity, and it is by no means improbable that very remarkable progress may be made here in the not distant future.[15] If, as and when they appear, it will be necessary to deal with them, and it is not impossible that they may play a significant rôle in the politics of some future time. It is by no means out of the question that they develop more fundamental conditions than are disclosed by any of the processes of psychology. Already we recognize the influence of physiological conditions upon individuals, and govern ourselves accordingly in fixing legal responsibility and punishment. The close scrutiny of the biological conditions underlies modern theories of criminology, and it may well be extended, as knowledge of these processes expands, to other situations in political society. They may underlie leadership and servility, radical and conservative, aristocrat and democrat, good and bad citizen, and a wide variety of political attitudes and types of behavior. We can by no means ignore their basic relation to the fundamentals of political conduct. Crudely suggested in the early studies of Plato, they have largely been neglected in the subsequent studies of political life and behavior.

In a practical way we have long been familiar with the effect of such devices as the war dance, the pipe of peace, the political rally. We know that the bad boy may be suffering from bad teeth, or may be hungry; we are aware that very simple operations or changes may work large changes in the conduct of individuals or perhaps on a larger scale of groups. But the scientific possibilities in this domain are largely unexplored.

The question may be raised, at what points is there most likely to be contact between psychology and political science? No one can, with any degree of confidence, forecast the development of either science during the next generation, but, nevertheless, certain probabilities exist, and to some of these attention may profitably be directed. These probabilities or possibilities lie along the borderland between psychology and politics.

[15] A. E. Davis, "The Influence of Biology on the Development of Modern Psychology in America", 30 *Psychological Review*, 164–75 (1923).

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It seems probable that mental measurement will be still further developed, to include not only what is now called intelligence but other qualities, as disposition or temperament. It is possible that we may find room here for political qualities and characteristics of certain kinds. Moore's study of aggressiveness, Pressey's studies of temperament, Downey's tests of will and determination are interesting examples of this. Further studies of judgment, insight, balance, leadership, conformity, and so on, may be developed with time and patience; and if worked out will throw much light on the characteristics of the political man. The political scientist and the psychologist may readily coöperate at this point, one suggesting the qualities it is desired to analyse, and the other supplying the mechanism for measurement. Of course a political scientist, trained in measurement, could himself carry through the testing process, which after all is a relatively new one without the long history of some other techniques. There is hope that, in this field of analysis of traits and qualities, interesting and important discoveries may be made in the course of a little time. Closely connected with this work is the study of attitudes of the individual. Significant illustrations of this are the recent studies of Hormell Hart in the field of international attitudes. A recent study of nonvoting in Chicago gives a view of the attitude of many persons who do not participate regularly in the voting process, based partly upon their own statements and partly upon observation of their behavior. Many other forms of analysis of this general type may readily be instituted and are likely to be forthcoming in the near future.

Another significant field where early contact is likely is the study of political interests. These may be examined with reference to their direction and strength, and also with regard to their genetics. At what time and under what situations do political interests arise, how are they manifested, and under what situations do they acquire strength and direction? Some pertinent inquiries have been made on a small scale in this direction, and with good results. On a larger scale such investigations might help us materially in our understanding of the

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political man and of the motivation of political conduct. What are the factors that create political interest or activity, or tend to destroy or modify it? To what extent may these factors be controlled or modified? What is the relation of political interests to other social interests and to other factors in the individual's composition?

Here two suggestions may be made with a view of strengthening the inquiry. One is that patterns of traits, habits, responses, behavior, may be traced, and in this way political personalities may be charted out in some detail. It is by no means always true that a single trait characterizes the man or the group, but rather a series of traits in combination, or a series of combinations of traits. The knowledge of this plan or pattern aids in understanding the general direction and speed of the type. It is possible to select the type of the man or group in such fashion as to surpass any present system of appraisal of political types. What we now know about the conservative, or the radical, or the liberal, or the rebel, or the aristocrat, or the democrat, or any one of many other types, may be much more definitely appraised if time is taken to make the tedious but indispensable survey preliminary to the conclusion. Both Plato and Aristotle undertook the analysis in crude form thousands of years ago, but their task has never been continued in the light of modern facilities for observation and analysis.

In the next place, it is possible to set up many forms of correlations between individual traits, group traits or individual or group patterns, on the one hand, and other factors that are measurable and comparable. Sex, race, economic status, education, mobility, physical and mental qualities, are only a few of the forces that may be related to the qualities in question, or the types of behavior under consideration. Under what circumstances, in other words, do the differentials in political character or conduct develop? In what ways may character and conduct be modified and adapted by shifting the circumstances? Repeated observations and analyses of this type ought to reveal more than we now know of the situations under which political characteristics are shaped and reshaped.

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In fact, the way is open to large-scale statistical studies and correlations of political conduct, with a rich variety of types of physical, psychical and social facts, both on the side of heredity and environment, and in the light of the relations between them. There seems to be no limit to the points of approach to this inquiry, and there seems to be an indefinite possibility of obtaining scientific knowledge of how the political man is really constituted and modified.

As social psychology develops, the whole study will be correspondingly enriched by the addition of the analysis of groups, of group relations and individual-group relations, and indeed the whole interlocking series of cycles in the complex social process. Discussion of whether the group is or is not an organism, or is or is not an entity or a reality, or has or has not a soul or a spirit, will not advance us much farther or faster now than in the Middle Ages. But intensive studies of community organization, in which units of measurement and comparison are employed, will promote the understanding of the social process with which the political process is so intimately bound up.

Specific lines of inquiry suggested by the round table on psychology at the Madison research conference were as follows:

1. An analysis of the traits of the average citizen. This will be essentially an inspection of the characteristic qualities of the normal, or sub or supernormal citizen, in any particular group, or as rated by any special set of persons. A particular mechanism for carrying out this study was suggested.

2. Nonvoting. This is, in reality, a study in the political interests, attitudes and behavior of a group of habitual or occasional nonvoters; and seems likely to yield significant results.

3. Analysis of referendum votes. It was suggested that the various referenda might be regarded as questionnaires on a large scale, and that they might be so analysed as to show the correlations between answers to various political, economic and social questions and various social classes.

4. Studies of public opinion. It was suggested that significant studies might be made by statistical analysis of the distribution and intensity of opinion in various groups and in various situations.

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5. Collection of political biographies and autobiographies.

Personal observation, introspective analysis, narratives and accounts of all types, are the indispensable material out of which political science may be built, and, unfortunately, material of which we have only the scantiest store in specific case form, available for scientific study. Out of such material should come suggestions and insights of the very greatest value in opening out lines of inquiry, in suggesting new lines of attack on the problem of human personality. The mere collection and analysis of such material is not essentially scientific, but it will bear fruit in suggestions of the very highest value for further inquiry. This work may represent the preDarwinian stage in the evolution of science, but it is apparently a necessary and inevitable one. Some suggestions might be taken up by the psychologists and some by the student of politics, but either is likely to be aided by the presence of an abundant store of such data.

These are, of course, only types of inquiries, and by no means exhaust the list of possibilities. The psychology of the parliamentary and electoral processes, many psychological aspects of administration, the analysis of many juristic situations,—these present interesting fields of inquiry and may well be made the subjects of examination in the near future.

From a scientific point of view the advantage of such inquiries is twofold. They make possible the construction of comparable units of measured action, and they set up specific and minute studies of political behavior. These are, therefore, if properly conducted, double advances toward intensity of inquiry and toward results that are comparable. They contain elements of great value in the development of political measurement and comparison, out of which the knowledge of relations may be derived and from which a science of politics may be built.

It is clearly evident that it is desirable and indispensable to develop a much more intensive study of human nature on its political side, and that psychology offers one way of analysis that seems to hold rich possibilities. This need not and will not

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be the only type of analysis, but it seems likely to give to politics many interesting and important lines of advance. Human nature, the *terra incognita* of the political and social philosophers, may be more fully explored than has hitherto been possible. Whether psychology becomes a general science of human behavior or, like statistics, a method of approach and inquiry in the hands of students of government, industry and education, is relatively unimportant in view of the goal which is in view—the understanding of political and social relations.

In this work the practical coöperation of students of politics and of psychology may be of the very highest value. The student of politics is not, as a rule, master of the psychological technique just now in the process of development, and on the other hand the psychologist has not perfected the mechanism nor is he usually very fully informed upon the problems of the political scientist. The psychologist cannot at one and the same time lay down the canons of industry, of government, of education, *mores* and morals. He will seek the coöperation of students in the several disciplines upon which his science borders, or where his inquiries lead. The farthest-seeing psychologists are fully aware that they cannot go where they would like without the fullest study and development of the social and political implications of the human nature they have undertaken to study. Furthermore, psychological technique is still largely in the making and special forms and applications are likely to spring up in several parts of the field as in industry, education and government.

It may be said that the lines of inquiry suggested are not appropriate for political scientists, because they carry us out of our accustomed territory, and we may be lost in the desert. The same thing may be said with equal pertinence of the psychologist dealing with such material. In any case a certain number of explorers must always be lost, especially if they advance too far or too fast. It is not, after all, of primary importance whether we call the work psychological or political, or both, but it is of fundamental importance that it be done by some one, however named. Politics cannot live and flourish

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upon the abstractions surviving from the natural-law philosophy, or the historical roots of institutions which are not without nourishment, or the stimulations of legal logic.

If politics is not to be the residuum left after all ascertainable facts have been exhausted, or the literary rationalizations of those who have or seek power, so well exemplified in the funeral orations of Bossuet, it must adapt itself progressively to the new intellectual technique of the time. During the last century politics learned to take cognizance of great historical, economic and social forces, in the seventeenth and eighteenth centuries much neglected. This was a memorable achievement. It is equally necessary now to examine the new insights into human nature offered by modern science working in psychology and biology and other fields. The new politics will be a synthesis of many elements now found in the older and in the newly-developing disciplines. Of fundamental significance is the new point of view and the new method afforded by what we call psychology; and politics can no more ignore it than we can ignore history or economics in their respective fields. What we are really striving to achieve is neither psychology as such, nor biology as such, nor history as such, nor economics as such, nor statistics as such, but the development of scientific method in the observation, measurement and comparison of political relations.

Wherever we find comrades in this quest for truth, and is not the search for realities in the social field the greatest need of our day, why not welcome them and catch step without examining too closely or too long their pedigrees or their passports?

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THE LABOR CLAUSES OF THE CLAYTON ACT

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The Supreme Court's decision in the Danbury Hatters' case marked the beginning of a new era in trade-union activity, for laborers well realized that the Sherman act, as interpreted and applied by the court in that case, was a measure with which they would eventually have to reckon. The provision expressly declaring that equity courts may be resorted to in order to restrain violations of the act was an objection in itself, serious enough. But the statute held for laborers a much more vital concern: they also perceived that a strict construction of its provisions might even jeopardize the existence of the trade union itself.[1] Laborers naturally felt very keenly even the suggestion that the Anti-Trust Act might be interpreted in such a manner as to deny to laborers the right to organize, and they undoubtedly believed, and not without a certain justification, that the dissolution of the trade union, as a combination in restraint of trade, would be the probable, if not the necessary, result of the court's decision in the Hatters' case.[2]

"Under the interpretation placed upon the Sherman Anti-Trust law by the courts," Mr. Gompers averred, "it is within the province and within the power of any administration . . . to begin proceedings to dissolve any labor organization in the United States." Labor unions exist only "at the suffrance of the Department of Justice."[3]

[1] See the interesting editorial by Mr. Gompers on this point, "Anti-Trust Law and Labor", 21 *Federationist* 35.

[2] This tendency, laborers could observe in the English cases, Hilton v. Eckersley 6 E & B 47 (1855), Hornby v. Close, 8B & S, 175 (1867), Farrer v. Close 10 B & S., 553 (1869). See Stephen, *History of Criminal Law in England*, Vol. III, p. 222.

[3] Testimony of Mr. Gompers before the judiciary committee of the House on Trust Legislation. Vol. I, p. 16, 63d Cong., 2nd Sess.

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However, notwithstanding the adverse manifestations of the court toward the operations of labor combinations under the Sherman law, labor leaders were not dismayed. The Hatters' decision, in fact, merely furnished a fresh impetus to a growing, even insistent, demand for relief against the so-called usurpations of the courts. And in 1908, the same year that the Supreme Court held the Anti-Trust Act applicable to labor, a campaign was inaugurated whose efforts were concentrated upon securing, by means of legislation, a two-fold objective: The first was to gain for labor organizations a definite legal status; the second was to limit the use of injunctions in labor disputes. Laborers realized that these ends could only be obtained through the medium of one or the other of the old parties. Nor did they manifest any preference concerning which party should serve their purpose. The American Federation of Labor, in accordance with its traditional policy of noninterference in partisan politics, expressed a willingness to support that party, whether Republican or Democratic, which would promise to secure the desired legislation; and, on the basis of platform pledges, organized labor lent active support to the Democratic party in the campaigns of 1908 and 1912. The Democratic platforms of both 1908 and 1912 expressly committed the party to the enactment of legislation, making it clear "that labor organizations and their members should not be regarded as illegal organizations in restraint of trade;" and after much indecision and delay the party endeavored to carry its pledge into effect in the enactment of the Clayton Anti-Trust Act of 1914.[4]

This statute, as enacted by Congress, was apparently satisfactory to labor in every sense of the word, for not only did Mr. Gompers hail it as "Labor's Magna Charta" and "Bill of Rights," but he went further and declared it to be the most important piece of legislation since the abolition of slavery.[5] Such expressions as these are indicative of the high hopes which the great body of workmen attached to the enactment; they undoubtedly

[4] 38 Stat. at L. 730.

[5] Mr. Gompers spoke of section 6 as "Labor's Magna Charta" and section 20 as "Labor's Bill of Rights".

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believed that their organizations and also their operations were thereby entirely exempted from the provisions of the Sherman act. And now that the Supreme Court has shattered the foundation upon which labor's expectations were justly or unjustly based, "absolutely nullifying," as the American Federation of Labor has recently reiterated, the original purpose of the act, it is proper to inquire whether or not a careful and discriminating reading of the labor clauses of the Clayton act justified Mr. Gompers' extreme optimism.[6]

The one thing, above all else, which labor hoped to gain under the proposed legislation was (according to Mr. Gompers' testimony before the judiciary committee of the House) a fixed legal status; not because laborers felt that the existence of the trade union was immediately threatened, for Mr. Gompers openly declared that labor suffered no fear that its existence as an organization was imperilled under the Wilson administration, but because labor was apprehensive concerning the probable vindictiveness of future administrations.

"Who can tell?" Mr. Gompers inquires, "what may come, what may not the future hold in store for us working people . . . ? We do not want to exist as a matter of suffrance, sub-

[6] See especially Duplex Printing Co. v. Deering, 254 U. S. 443; American Steel Foundries v. The Tri-City Central Trades Council, 257 U. S. 184. See also, United Mine Workers v. Coronado Coal Co., 259 U. S. 344. At the recent Convention of the American Federation of Labor, held in Portland, Oregon, the executive committee declared again that the Clayton Act, although originally intended to exempt labor organizations, had been so construed by the Supreme Court as to be turned against organized labor. The committee stated that legislation to rectify this construction of the Act would be sought. See *Federationist* for November, 1923. Prior to the Supreme Court's construction of the labor clauses of the Clayton Act, we find the following interesting discussions of the effect of the Act on labor: Davenport, Daniel, "An Analysis of the Labor Sections of the Clayton Anti-Trust Bill", 80 *Central Law Journal* 146 (1915); "Labor is not a Commodity", 9 *New Republic* 112, Dec. 2, 1916; Witte, Edwin E., "Section Twenty of the Clayton Act," 9 *New Republic* 243 (1916); Witte, Edwin E., "The Clayton Bill and Organized Labor," 32 Survey 360; "The Labor Provisions of the Clayton Act," 30 *Harvard Law Review* 632, (1917); Wm. H. Taft, 39 *Am. Bar Ass'n* 371-380. See also, House Rept. No. 627, 63d Cong., 2d Sess.; Rept. No. 698, 63rd Cong., 2d Sess.

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ject to the whims or the chances, or the vindictiveness of any administration or administrative officer."[7]

It was after testimony to this effect that Mr. Floyd of the judiciary committee put to Mr. Gompers this question: "What you desire is for us to give you a legal status under the law . . . so you can carry on this coöperative work on behalf of the laborers of the country and of the different organizations without being under the ban of the existing law?" Gompers' reply, here, was definitely an affirmative.

In the light of the historical development of the law of labor, such expressions of disquietude were exaggerated if not unjustified. Indeed, one may search in vain for evidence, either at common law or under the Sherman act, supporting the contention that labor as an organization was in imminent danger of being outlawed.[8] The courts soon recognized the social advantages of labor organizations. They expressly declared, moreover, that laborers had not only the right to organize for their mutual benefit and protection, or for any other legitimate object, but that they might also use all lawful means to secure these ends. As a matter of fact, since 1842, no court of final jurisdiction even so much as suggested that a labor organization *per se* was illegal. On the contrary, in practically every case in which the courts condemmed certain labor activities, special care was taken to point out that nothing expressed in the opinion was to be understood as prejudicing the legality of the labor organization in itself. In fact, the one conclusion, arrived at repeatedly, was that trade unions are lawful organizations; that laborers may combine and operate for any lawful object whatsoever; but that they, like all other organizations, may neither use unlawful means to maintain their object, nor combine to secure a malicious or unlawful purpose. The trade union, in other words, although manifestly a lawful organization, is limited in its operations by

[7] Testimony of Mr. Gompers before the House judiciary committee, *supra*, p. 18, 63rd Cong., 2d Sess.

[8] This opinion was expressed time after time on the floor of Congress during the discussion on the Clayton Bill. See *Cong. Rec.*, Vol. 61, pp. 14018, 12278, 14014, 13918. See also footnotes 12, and 13, *infra*.

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the doctrine of criminal conspiracy.[9] Nor did the Sherman act make any substantial changes in the common law of labor. Contrariwise this statute was, in a large measure, merely a restatement of the law as it was known to exist in the states.

Curiously enough, this was the state of the law when Mr. Gompers was requesting that labor organizations be given, in the form of a legislative enactment, legal recognition. However, in view of Mr. Gomper's jubilation over the legislation, as well as his many specific declarations regarding the efficacy of the enactment, one could hardly contend that labor expected nothing more than this from the statute.[10] Indeed, a single statement from the *Federationist* suffices to demonstrate the complacent attitude of laborers toward the effect of the Act upon future labor activities:

"This law precludes the possibility of any similar suit being brought in the federal courts for the exercise of normal activities as performed by the Hatters—and thus the American Federation of Labor has performed its full duties to the Hatters and to all labor in the premises."[11]

May not one well ask, then, what the Clayton act actually did provide? Did it merely declare the law as it already existed, which would have amply sufficed to satisfy Mr. Gompers' request for a legislative statement of the legality of labor organizations, or did the act, as Mr. Gompers' extravagant acclaim implies, procure for laborers exemptions under the Anti-Trust laws?

[9] According to the accepted definition of the Supreme Court "A conspiracy is a combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means." Duplex Printing Co. v. Deering, 254 U. S. 443, 465, citing Pettibone v. U. S. 148 U. S. 197, 203.

[10] See in this connection, an article by Mr. Gompers, entitled "The Charter of Industrial Freedom-Labor provisions of the Clayton Anti-Trust Law", 21 *Federationist* 957. "The labor sections of the Clayton Anti-Trust Act", writes Mr. Gompers, "are a great victory for organized labor. In no country in the world is there an enunciation of fundamental principles comparable to the incisive, virile statement in section 6."

[11] Statement of the Executive Council of the American Federation of Labor, 22 *Federationist* 116.

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This question was given more consideration on the floor of Congress than any other point raised in connection with the Clayton bill. The provisions around which this discussion centered are found in sections 6 and 20 of the final enactment. The salient language of section 6 reads:

"That the labor of a human being is not a commodity or article of commerce. Nothing contained in the anti-trust laws shall be construed to forbid the existence and operation of labor . . . organizations, instituted for mutual help, . . . or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the anti-trust laws."

For laborers, securing the provision that the labor of a human being is not a commodity or article of commerce was a distinct achievement.[12] They believed, apparently, that since the Sherman act makes it illegal to restrain trade in articles of commerce, the mere declaration that labor is not a commodity or article of commerce was tantamount to a withdrawal of labor's operations from the force of the Sherman act. In this, however, they were in error, because their conclusion obviously rested upon a false premise. No court had ever held, or even intimated, that the labor of a human being was a commodity and, for that reason, subject to the provisions of the Sherman law.[13] The Supreme Court, for example, in the Danbury Hatters' case, condemned laborers, not for refusing to compete in the sale of their labor, but for the interference of the United Hatters with

[12] "Those words, the labor of a human being is not a commodity or article of commerce," writes Mr. Gompers, "are sledge-hammer blows to the wrongs and injustice so long inflicted upon the workers. This declaration is the industrial magna charta upon which the working people will rear their structure of industrial freedom". 21 *Federationist* 971.

[13] This was a fact repeatedly recognized by members of Congress. Note, for instance, the words of Senator Cummins, *Cong. Rec.*, Vol. 51, pt. 14, p. 13980; Senator Thomas, Cong. Rec., Vol. 51, pt. 14, p. 14022; Congressman Madden, Cong. Rec., Vol. 51, pt. 10, p. 9496; Senator Jones, *Cong. Rec.*, Vol. 51, pt. 14, p. 14013–14014; Senator Cummins, *Ibid.*, p. 13980. See also an interesting editorial entitled "Labor is not a Commodity" in 9 *New Republic*, p. 112, Dec. 2. 1916.

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the free flow of interstate commerce in hats. It was the restraint of trade in hats—not in labor—to which the court objected. Nor was Debs sent to jail, in 1894, because the court considered the laborers, among whom he instigated a strike, commodities or articles of commerce, but because the things which the railroads were carrying, as well as the railroad cars themselves, were articles of commerce, with whose free movement he had conspired to interfere. The Sherman act was, in other words, not directed against any organization as such; its ultimate object was to prevent restraints of trade, for Congress recognized "that a restraint of trade was in itself inimical to the public good no matter what its origin."

To declare, moreover, that the antitrust laws shall neither be construed to forbid the existence of labor organizations instituted for mutual help, nor prevent them from lawfully carrying out their legitimate objects gave labor little; since the mere existence of a trade union and the lawful carrying out of its legitimate purposes had never been held by any court to violate the Sherman law.[14] It was only when labor organizations were formed for a

[14] That section 6 was nothing more than a legislative declaration of the law as it had been laid down by the Supreme Court is well illustrated by the following quotations from opinions of the court:

"What possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization cannot have in itself and in the eye of the law any bearing upon the commerce with which the employee is connected by his labor and service. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of their members as wage-earners—an object entirely legitimate and to be commended rather than condemned . . . . Surely those associations as labor organizations have nothing to do with interstate commerce as such."—Adair v. U. S., 208 U. S. 178.

"The law . . . . recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence and power that comes from such associations. By virtue of this right, powerful labor unions have been organized. But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power, in the presence of which individual members may be helpless. This power, when unlawfully used against one, cannot be met, except by his purchasing peace at the cost of submitting to terms which involve the sacrifice of rights protected by the constitution, or by standing on such rights and appealing to the preventive powers of a court of equity. When such appeal is made, it is the duty of government to protect the one against the many as well as the many against the one." Gompers v. Bucks Stove and Range Co., 221 U. S. 439.

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malicious or illegal object, or when they employed illegal or coercive means which actually restrained trade, that they were condemned, and this is not less true under section 6 of the Clayton act.[15]

In short, a careful reading of section 6 leads to the conclusion that this section does no more than solemnly declare to be lawful that which was pretty generally admitted as legal before the Act was passed. But, some one inquires, if this is true, why then did Congress embody this section in the bill? Was it not in the nature of surplusage, and worse yet, if this section did not in some way extend or enlarge the rights of labor, was it not "a piece of deception, a fraud, upon those whose interests (it was supposed to further)?"[16] These very questions were raised repeatedly on the floor of Congress, and the framers of the measure frankly admitted that section 6 did not purport to enlarge the rights of labor, but rather that its purpose, in the words of Senator Jones, was "to set at rest in an authoritative way by legislative enactment . . . this one question, to wit, whether a labor organization is *per se* a combination in violation of the Sherman law, and therefore liable to dissolution irrespective of what it or its members may do."[17] In this, therefore, lay its justification, rather than in the fact that the section was a "Magna

[15] "A workman or a combination of laborers," declared Mr. Borah in this same connection, "may quit work the incidental effect of which may restrain trade, and yet the resulting injury is a damage for which there is no remedy; but if men come together to restrain trade, for the purpose of preventing commerce between the states, there results a restraint of trade which they or no one else can do or should be permitted to do." *Cong. Rec.*, Vol. 51, pt. 14, p. 13919. See also quotations in footnote above.

[16] Senator McCumber, *Cong. Rec.*, Vol. 51, pt. 14, p. 13965. See remarks of Mr. Work to the same effect, *Cong. Rec.*, Vol. 51, pt. 12, p. 12278.

[17] Senator Jones, *Cong. Rec.*, Vol. 51, pt. 14, p. 14014; "I am in favor", says Senator Borah, "of any measure which is deemed essential to protect and shield fully labor unions as such from the condemnation of the Sherman anti-trust law or any other law. I do not believe that unions are now condemned by that law or in anywise prohibited. I do not believe that any well-considered decision of the court can be found to that effect. But if there is fear that such decision may be had, or there is belief that any court has assumed to go thus far and to say that the organization of labor unions is of itself a restraint of trade, then this legislation is justified to that extent and I cordially support it to that extent."—*Ibid.*, p. 13923, 13918.

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Charta" for labor in the sense that Mr. Gompers used that phrase, or that it extended to laborers any rights which they had not possessed heretofore.

"We wanted," said Mr. Webb of the judiciary committee, "to make it plain that no labor organization . . . organized for mutual help . . . should be construed to be a combination in restraint of trade or a conspiracy under the anti-trust laws. Now I will say frankly . . . that we never intended to make any organizations, regardless of what they might do, exempt in every respect from the law. I would not vote for any [bill] that does do that."[18]

The members of Congress, furthermore, were fully conscious of the fact that the section under discussion was creating an erroneous impression among the great body of laborers, which, if not dispelled, would, in the course of time, prove embarrassing to both Congress and the courts. The legislators realized very well how unfortunate it was that the proposed legislation should be regarded so complacently by laborers as a grant of special exemptions, when, as a matter of fact, Congress had no intention whatever of giving laborers any particular immunities under the antitrust laws.[19] It was, therefore, suggested, and even urged, that it be "made known," as Senator Borah put it, "what we do not do as well as what we propose to do." This was doubtless the conviction which animated Senator Jones of Washington to declare:

"I understand that labor is satisfied with this provision, and yet it may be that after years of litigation, the decision may finally be that Congress meant something entirely different from

[18] "There is no license to commit crime. Talk along this line is bosh. If a labor organization violates the Sherman law, it will be open to prosecution under the Sherman law. But its members may not be sent to jail for merely belonging. This may be the law now; but doubt has been thrown on the right of men to combine together for the joint selling of their labor, and it is worth while to have the doubt removed." Quoted by Mr. Carlin, *Cong. Rec.*, Vol. 51, pt. 10, p. 9565. Compare also the observations of Mr. Cummins, *Cong. Rec.*, Vol. 51, pt. 14, p. 13980.

[19] See remarks of Mr. Clapp, *Cong. Rec.*, Vol. 51, pt. 14, p. 14019; Senator Thomas, *Ibid.*, p. 14021; Mr. Work, *Ibid.*, pt. 12, p. 12279; Senator Thomas, *Ibid.*, Vol. 51, pt. 10, 9544.

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what they expected; and we may find at the end of three or four years that instead of accomplishing something we have done nothing. I think it would be better for these organizations if Congress would try to make its meaning clear. If Congress intends to provide one thing, let us say so; let us do it; and if it intends to provide for something else, let us say that and make provision for it and thereby do our duty and also protect the courts from unjust criticism and aspersion."

Senator Jones then proceeded to set forth in no uncertain terms what he, and in fact the majority of Congress, believed to be the effect of section 6 on labor:

"This proposed section . . . [does not] make acts done by some organization legal which if done by other organizations would be illegal. It does not permit [labor] organizations to commit acts in undue restraint of trade which would be prohibited to other organizations. . . . This is not class legislation. . . . In my judgment, this provision does not give to labor a single right that it does not now possess. This provision simply says, in effect, that the existence of labor organizations is not unlawful; that the lawful efforts of their members to carry out their legitimate objects is not forbidden; and that such organizations are not *per se* in restraint of trade nor their members as such conspirators in restraint of trade. All this in my judgment is lawful now."[20]

From the foregoing, therefore, not only is it clear that the effect of the language employed in section 6 is merely to declare certain lawful acts of labor combinations to be permissible, leaving the plain implication that these organizations are still subject to the terms of the Sherman law if they violate any of its provisions but it is equally clear that if labor leaders had observed the proceedings of Congress, while the Clayton bill was under discussion, in even the most casual manner, they would never have extolled the virtues of section 6 to the extent which they did.[21] The fact is that the congressional debates afford ample evidence

[20] *Cong. Rec.*, Vol. 51, pt. 14, pp. 14012–13–14.

[21] See remarks of Mr. Macdonald, *Cong. Rec.*, Vol. 51, pt. 10, p. 9545; *ibid.*, Towner, p. 9547; *Ibid.*, Johnson, p. 9549; *Ibid.*, Hulings, p. 9550.

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to support the conclusion that Congress could never have passed a bill containing provisions meriting the encomiums which Mr. Gompers bestowed upon section 6.[22] This section was, in truth, a "Magna Charta" in the theoretical sense of that phrase—that is, it was a recognition and an affirmation of existing rights rather than an extension or enlargement of those rights; but it was never the "Magna Charta" which Mr. Gompers conceived it to be, and Congress never intended that it should be.

From the point of view of laborers, section 20 of the Clayton act was scarcely less important than the one just examined, since this section was the embodiment of those provisions which Mr. Gompers styled as "Labor's Bill of Rights." We shall first examine the opening paragraph, which provides

"That no restraining order or injunction shall be granted by any court of the United States, . . . in any case between an employer and employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney."

In this paragraph Congress singles out a number of cases in which the federal courts are denied the power, except under specified circumstances, to issue an injunction. Precisely what, it may be asked, is the nature of the cases in which no restraining order shall be issued? In the first place, it is explicitly provided

[22] Mr. Webb speaks for the members of the judiciary committee on this point, *Cong. Rec.*, Vol. 51, pt. 10, p. 9567. "We are asked by some," said Mr. Borah, "to declare that the labor unions may go further and affirmatively and effectively and with design interfere with or restrain interstate commerce; that while we condemn interests and punish if they restrain trade or monopolize interstate commerce, we will except labor unions. This . . . . I cannot do. I could not support such a measure as a citizen or a Senator, and if I were a laboring man I am convinced I would not ask it." *Cong. Rec.*, Vol. 51, pt. 14, p. 13925. See also remarks of Senator Jones to the same effect, *Cong. Rec.*, Vol. 51, pt. 14, p. 14017.

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that the case must be one either between employers and employees, between employees, or between employed and those seeking employment; and, of course, if a case arose in which the parties to the suit were not of the character here specified, that fact alone would suffice to deny the immunity from the injunctive relief which this paragraph provides. But, some one inquires, when may the relationship of employer and employee be said to exist? Not unnaturally, the first point broached by Congress in the consideration of this paragraph concerned this very question of what constituted the relationship of employer and employee within the meaning of the bill. Did this relationship cease when a strike occurred, so that strikers could not enjoy the exemptions herein provided, or was a striker still to be regarded as an employee? The opinion of the judiciary committee on this point was that the prohibitions against the use of the injunctive process covered "the entire field of strikes, primary boycott, and everything incident to a strike;" that the relationship of employer and employee did not cease when strikers, demanding better terms and conditions of labor, temporarily quit work, and that they are employees until their places are filled by other workmen.[23]

From this, one may easily conceive how, although at the beginning of a given suit the parties may sustain the relationship of employer and employee, this relationship may be terminated before the case is decided, as when, for example, the strikers lose their affiliation with the concern against which the strike is called. Thus, the strikers having ceased to be employees of the concern, the use of the injunction in such a dispute is no longer prohibited. Moreover, a suit between either of the said parties and an outsider, comprehending of course the secondary boycott, it is equally good logic to declare, does not fall within the class of cases in which the federal courts are forbidden to issue an injunction. In other words, while this paragraph introduces an exception to the power of the federal courts to give injunctive relief, the character of the parties is clearly specified in those

[23] *Cong. Rec.*, Vol. 51, pt. 10, pp. 9654–9655.

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cases in which no restraining order shall issue, and thus a definite limitation is placed upon the right to enjoy the immunities thereby provided.

Furthermore, one will perceive a second limitation upon the exception, provided under this paragraph, in the subject matter of the action. To establish an exemption it is expressly required that the issue in question shall be of a specified kind, to wit, "a dispute concerning terms or conditions of employment." This stipulation, also, is significant because it further emphasizes the intention of Congress to exclude "from the exception an injunction in favor of a third party not a party to the labor fight, who is sought to be drawn into it by boycott."[24] Clearly, then, the field of exception from the injunctive remedy, which the federal courts ordinarily afford, is hedged about by limitations of a twofold nature: the character of the parties to the dispute, and the subject matter of the action.

The provision embodied in this paragraph prohibiting the use of injunctions in labor cases "unless necessary to prevent irreparable injury to property or to property right" calls for no extended comment here, since this is clearly nothing more than a legislative declaration of an equity doctrine which has always guided the courts in issuing injunctions; namely, that injunctions may issue only to protect property, and not personal rights, and even then only when it can be shown that there is no adequate remedy at law. The judiciary committee, as a matter of fact, was frank to confess that this provision was "precisely in keeping with the better practice" of the courts.

"In consideration of this question (of injunctions)," declared Mr. Floyd, "we examined the decisions" . . . and "we (proposed) to write the better practice of the Federal courts into the statute as a rule to govern all the courts, and not leave it to their discretion to issue injunctions on whatever state of fact may suit the fancy of the judge."[25]

[24] Taft, Wm. H., 39 *Am. Bar. Ass'n. Reports*, p. 376. See generally, pp. 371–380.

[25] *Cong. Rec.*, Vol. 51, pt. 10, p. 9611. See also *Senate Reports*, No. 698, 63rd Cong., 2nd Sess., p. 23, *et seq.*

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The second paragraph of this section, as we are presently to observe, invited much more lively discussion. It declares that: "No such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working, or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States."

The language here employed leaves little doubt concerning the cases in which the injunction is prohibited. Federal courts are forbidden to issue injunctions enjoining any of the specified acts, namely, the strike, the primary boycott, and peaceful persuasion. Nor may any of the aforesaid acts, the section declares, "be considered or held to be violations of any law of the United States." The pertinent question is: Do the acts just enumerated fall within a class previously prosecuted under the Sherman law? In answer to this question one writer contends that:

"The Danbury Hatters' case did not rest upon the charge that the defendants had ceased to patronize Loewe and Company, or had recommended, advised, or persuaded others by peaceful and lawful means so to do . . . acts which are made legal, as far as the federal laws are concerned, by section 20 of the Clayton act . . . but upon the charge that they conspired to restrain interstate commerce. In every other case in which labor unions or their members have been prosecuted under the

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Sherman act, likewise, conspiracy to restrain interstate trade or foreign commerce has been the main charge. Similarly, in all injunction cases in labor disputes the complainant's plea has been that the defendant had entered into an unlawful conspiracy."[26]

But is this a correct statement of the case? We think not. Indeed, in justifying the injunction issued in pursuance of the Sherman act against the United Hatters, the Supreme Court used very sweeping language, declaring that the Act "prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the states." Then when the case came up for the second time the court spoke somewhat more definitely and held that the primary as well as the secondary boycott and the circulation of a list of "unfair dealers" was actionable. Moreover, it was with partial reference to the broad scope of the injunction allowed in this case that Mr. Justice Pitney, in handing down the opinion of the court in the first case arising under the labor clauses of the Clayton act, said:

"It is settled by these decisions[27] that such a restraint (that of commerce among the states) produced by peaceable persuasion is as much within the prohibition as one accomplished by force or threats of force; and it is not to be justified by the fact that the participants in the combination or conspiracy may have some object beneficial to themselves or their associates which possibly they might have been at liberty to pursue in absence of the statute."[28]

Mr. Justice Pitney was, apparently, of the opinion that section 20 of the Clayton act prohibits the issuance of an injunction against the primary boycott and peaceful persuasion. Both

[26] Witte, Edwin E., "Section Twenty of the Clayton Act," 9 *New Republic*, 243 (1916); Taft, W. H., *Ibid.*, pp. 376-377. Mr. Wickersham, on the contrary, holds that if the Clayton act had been in force in 1908 the operations of the United Hatters would have been lawful, "Labor Legislation in the Clayton Act," 22 *Federationist* 493.

[27] Cases referred to are: Loewe v. Lawlor, 235 U. S. 522, Eastern States Lumber Dealers' Assoc. v. U. S., 234 U. S. 600.

[28] Duplex Printing Co. v. Deering, 254 U. S. 443.

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activities, however, according to the interpretation given the statute in the Danbury Hatters' case, were enjoinable under the Sherman act. In so far, therefore, as section 20 places these acts beyond the scope of equity jurisdiction, the Sherman act is amended and the Hatters' decision overturned. And it was doubtless this change in the operation of the antitrust laws that prompted Mr. Justice Pitney to declare in the Duplex case:

"This section [sec. 20] imposes an exceptional and extraordinary restriction upon the equity powers of the courts of the United States and upon the general operation of the anti-trust law, a restriction in the nature of a special privilege or immunity to a particular class, with corresponding detriment to the general public."

In view of the foregoing discussion, and indeed in the light of the language employed in the Act itself, it is clear that this statement is far too drastic.[29]

That this section, however, does not forbid the use of injunctions in cases involving the secondary boycott admits of no doubt. In fact none of the debates on the Clayton bill is so clearly indicative of the true intentions of Congress with respect to the effect of the bill on labor as are the discussions on this point. The chief question at issue was, whether the language employed in section 20 legalized the secondary boycott. Mr. Volstead was particularly apprehensive lest the coercive boycott be thereby legalized, and for that reason he desired to submit an amendment which would expressly exclude this type of union activity from the

[29] See footnote 30, *infra*, for citations of the views of Congress on this subject and footnote 40, *infra*, for the opinion of Mr. Taft. Mr. Justice Pitney himself retreats from this position a little further along in his opinion when he says: "The emphasis placed on the words 'lawful' and 'lawfully,' 'peaceful' and 'peacefully' . . . strongly rebut a legislative intent to confer a general immunity for conduct violative of the anti-trust laws or otherwise unlawful." 254 U. S. 473. It is interesting to note, moreover, the connection in which Mr. Justice Pitney made the statement quoted in the text. Pointing out the far-reaching importance of section 20 by reason of the fact, as he contended, that it granted special privileges to labor, he was arguing for a guarded not to say narrow construction of its provisions.

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operation of this section.[30] "Can there be any doubt," Mr. Volstead inquired, that "this (sec. 20) is intended or does, in fact, legalize the secondary boycott?" Mr. Webb minced no words in answering this question but declared very frankly: "If this section did legalize the secondary boycott, there would not be a man to vote for it."

Read in the light of the congressional debates, therefore, the net result of the provisions of section 20, while somewhat more favorable to labor than those contained in section 6, is not a grant of general immunity from equity jurisdiction, and we need no better authority to support this contention than the judiciary committee's own frank admission. It is interesting to note, moreover, that Congress nullified, with painstaking care, any extraordinary exemptions which labor might have otherwise enjoyed under these provisions by annexing the qualifying words "peacefully" and "lawfully," or "peaceful" and "lawful." By a discriminating use of these words Congress made doubly sure that no sweeping immunity for conduct violative of the antitrust laws should be granted. In other words, from the

[30] Mr. Webb, (speaking for the Judiciary Committee): "I will say frankly to my friend when this section was drawn it was drawn with the careful purpose not to legalize the secondary boycott, and we do not think it does. There may be a difference of opinion about it, but it is the opinion of the committee that it does not legalize the secondary boycott and is not intended to do so. It does legalize the primary boycott; it does legalize the strike; it does legalize persuading others to strike, to quit work, and the other acts mentioned in Section 18 (20), but we did not intend, I will say frankly, to legalize the secondary boycott. . . The language . . . does not authorize the secondary boycott and (it would not be tortured into any such meaning). While it does authorize persons to cease to patronize that same party to the dispute, and to recommend to others to cease to patronize that same party to the dispute, that is not a secondary boycott. I may say again . . . and I speak for, I believe, practically every member of the judiciary committee . . . that if this section did legalize the secondary boycott there would not be a man to vote for it. It is not the purpose of the committee to authorize it, and I do not think any person in this House wants to do it. We confine boycotting to the parties to the dispute, allowing parties to cease to patronize that party and to ask others to cease to patronize the party to the dispute. "*Cong. Rec.*, Vol. 51, pt. 10, pp. 9652–9653, 9658. Cf. also, *Cong, Rec.*, Vol. 51, pt. 15, p. 14609; *Ibid.*, pt. 10, pp. 9611, 9652. This view, moreover, is expressed by Mr. Justice Pitney in the Duplex case, quoted in footnote 29, *supra.*

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point of view of labor, "the vice of section 18 (20)," as Congressman Madden aptly expressed it, "is that it gives (although very grudgingly) with one hand and takes away with the other."[31]

In view of the foregoing examination, the fact that laborers should have been led to treasure sections 6 and 20 of the Clayton act is most extraordinary. To Mr. Gompers, indeed, merely the sections just examined comprised "the most comprehensive and most fundamental legislation in behalf of human liberty that has ever been enacted anywhere in the world;" while to Congress they were nothing of the sort. Section 6, it is true, confirms the legality of the existence of trade unions, and that is what labor was demanding; but this provision does not carry the significance which Mr. Gompers' acclaim implies, because no court of final jurisdiction had ever held that the mere existence of the trade union violated the Sherman act. In fact when this section was presented to Congress it was specifically recognized as not changing the existing law of labor, but, some one interjected: "doubt has been thrown on the right of men to combine together . . . and it is worth while to have the doubt removed."

Moreover, labor's purpose to have certain limitations placed upon the use of injunctions in labor disputes, met with hardly better success. Our examination of section 20, which dealt with the substantive law on this subject, shows that the judiciary committee "in preparing this injunction bill (as in practically all of this legislation) made an effort to follow the better line of decisions of the federal courts."[32] Indeed, rather than to deny what laborers have erroneously styled 'Government by Injunction' the Clayton act clearly confirms the jurisdiction of the equity courts in the cases specified, and sanctions the two principles of equity procedure against which labor has most vigorously

[31] Continuing, Mr. Madden declared: "Sections 15 and 18 (Section 20 of the final enactment) are not mere 'gold bricks.' They are gold bricks containing dynamite. . . . None of the acts specified (in Sec. 20) ever were held unlawful *per se;* and after the care taken to annex to them the qualifying words "peacefully" and "lawfully", etc., how would it be possible for a court to now hold them unlawful *per se?*" *Cong. Rec.*, Vol. 51, pt. 10, p. 9496.

[32] *Cong. Rec.*, Vol. 51, pt. 10, p. 9611.

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protested; namely, that injunctions may issue to forbid acts which are crimes, and that an equity court may invoke its jurisdiction to protect "property rights" as well as property of a tangible character.[33] The test of equity jurisdiction laid down by this statute is not concerned with the question of whether the acts producing the injury are in the nature of crimes, or whether irreparable damages to tangible property only is threatened, but rather whether, in point of fact, an injunction is necessary to protect property or property right from irreparable damage. By the use of the term "property right" Congress unquestionably intended that the right of a man to do business should be entitled to the protection of the equity courts.[34]

Therefore, even from the point of view of the language of the Act, it is almost unbelievable that there should have been so wide a discrepancy between what labor evidently thought it got under the legislation, and what Congress intended and did actually provide. And yet the reason why laborers should have held such an erroneous conception of the effect of the statute on labor activities does not appear difficult to supply. The truth is that ever since the Supreme Court's application of the Sherman act to the operations of organized labor, which to labor leaders was tantamount to placing the labor of a human being "in the same category with the greedy, consciousless trusts," Mr. Gompers had availed himself of every opportunity to denounce the decision and express his belief that the right of unions to exist was not only threatened thereby but seriously imperilled. He continued to reiterate this view of the law until, by 1914, not only had the great body of laborers accepted his opinion, but doubtless Mr. Gompers himself had become convinced that the trade union as an organization was in great danger of being dissolved.

Herein, then, is to be found, in a large measure, the secret of labor's exaggeration of the efficacy of the Clayton act. If one

[33] See Sections 21 and 22; Taft, W. H., 49 *Am. Bar Ass'n.*, 379, 380.

[34] Truax v. Corrigan, 258 U. S. 312 (1921). See also the present writer's article, "The Legal Justification for Injunctions in Labor Disputes", 23 *South Atlantic Quarterly* 40.

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assumes, as Mr. Gompers apparently believed, that labor unions, in 1914 were actually in danger of being dissolved as a combination in restraint of trade, it is perfectly easy to understand how the Executive Council of the American Federation of Labor could "proclaim as one of the great legislative declarations of all ages this sentence in the Clayton Anti-Trust Act: "The labor of a human being is not a commodity or article of commerce."[35] On the other hand, when one recognizes, as Congress did, that no court had ever regarded the labor of a human being as a commodity within the meaning of the antitrust laws, it is just as easy to understand how the judiciary committee could say of the Clayton bill: "The bill does not interfere with the Anti-Trust Act at all."[36]

There is yet another and perhaps more cogent reason why laborers overestimated the significance of the Clayton act: "The bill," in the words of the majority report of the House judiciary committee, "leaves the law of conspiracy untouched."[37] The great confusion which has always surrounded, even among lawyers, the common-law doctrine of criminal conspiracy is patent, so it is not surprising that laborers should have failed to evaluate aright a statute which embodied this very doctrine. The provisions which declare, in effect, that the antitrust laws shall not be construed to forbid labor combinations from lawfully carrying out their legitimate objects, clearly does nothing more nor less than place upon the operations of laborers the same limitation as that which the common law imposes on the basis of the conspiracy doctrine.

The fact that the Clayton act leaves unremoved the stumbling block which has always hindered labor in operating as an organization in this country can hardly be overemphasized. Here the efforts of Congress to deal with the labor problem stand in striking contrast with the legislative policy of England regarding labor. Parliament began its repudiation of the conspiracy doc-

[35] 22 *American Federationist* 665 (1915).

[36] 63d Cong. 2d Sess., *Senate Reports*, No. 698, p. 33.

[37] *Cong. Rec.*, Vol. 51, pt. 14, p. 14017–18, 63d Cong., 2d Sess.; 32 *Survey* 360; 80 *Central Law Journal* 46; 30 *Harvard Law Rev.* 636.

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trine, so far as labor was concerned, in 1871, and in 1875 the criminal aspect of this doctrine was completely rejected. Congress, on the contrary, followed an entirely different policy. It would recognize the right of laborers to organize, and make it possible for them to procure reasonable wages, and so forth, but the principle against class legislation would not permit it to give to laborers, or any other particular class, special exemptions under the anti-trust laws. Thus, when Congress came to consider the doctrine of conspiracy, it not unnaturally declined, in spite of the English practice to the contrary, to draw any distinction between two kinds of conspirators. In speaking on this point and lamenting the fact that Congress would not grant to laborers this important concession, Mr. Hughes of New Jersey said: "I would like to have seen Congress pass an Act reading something like this:

'That an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.'"

This, it will be recognized, is virtually the same language that was used in the Parliamentary act of 1875. "There is nothing in this bill," Mr Hughes continued, "which goes so far as that. . . . . This legislation falls far short, in a Federal way, of what the British Parliament granted to its workingmen."[38] So it does, and, as Mr. Hughes' words suggest, the chief reason for it is that Congress declined to grant labor special exemption from the doctrine of conspiracy. Under this doctrine, as already pointed out, the combining to do acts which are otherwise lawful has often been held to be an unlawful conspiracy, so the fact that a conspiracy is still outlawed under the Clayton act means simply this: The acts enumerated in section 20 are not unlawful, but the combining to do these acts is unlawful and may be enjoined on the ground of conspiracy, when the intent is to injure an employer or nonunion workman, or when

[38] *Cong. Rec.*, Vol. 51, pt. 14, 13972.

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violent or unlawful means are employed. Thus, it is unquestionably true that labor's failure to grasp the nature of the conspiracy doctrine goes far toward explaining the notions which they held regarding the effect of the Clayton act.

It must not be understood, however, that the Clayton act did nothing more than this for labor. According to Senator Cummins, the Act was framed especially to prevent a repetition of any such redress as was allowed in the Hatters' case. But the Act does more than that. Apart from the change in the substantive law of labor already noted, it contains several sections regarding matters of procedure, with reference especially to the injunction, which should prove vitally important to labor. Section 17 provides, for instance, that when a restraining order is granted without notice, a hearing must be given within ten days thereafter; Section 18 requires that the applicant for an injunction shall furnish bond in such sum as the court may demand; and in Section 19 Congress seeks to set at rest what is clearly the most formidable objection which has yet been directed against the use of injunctions in labor disputes, namely, the vague and uncertain phraseology in which the order itself is usually couched. Under this section it is expressly required that the restraining order be specific in its terms, that it shall be binding only upon those who are parties to the suit and those acting in concert with them; and, in any case, before the parties can be affected by the court's order they must have received actual notice of the same. Mr. Floyd of the judiciary committee clearly set forth the evil which this section was designed to remedy, when he declared:

"We prohibit (by this section) what is known as the blanket injunction. Courts have issued injunctions against parties without naming them and so a man might be in California and violate an order of the court in New York, and not know it, and be brought into the court for contempt in violating the order. The main purpose of this is to prevent what is commonly known as the blanket injunction."[39]

There is yet another section to be considered, in connection with the rules of procedure furnished the federal courts under this

[39] *Cong Rec.* Vol. 51, pt. 10, p. 9611.

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statute, which may doubtless be regarded as the most significant change in equity procedure provided by the Clayton act. Sections 22 and 24 provide that "in all cases within the purview of this Act" . . . excepting those which relate to contempts committed in the presence of the Court and those in which the United States is a party, "trial *may* be by the court, or, upon demand of the accused, by a jury."

From time immemorial the power of the court to punish for disobedience of its orders has been recognized, and in consideration of this fact it is quite probable that the framers of this section used the word "may" advisedly and not as an equivalent of the word "shall," thus rendering trial by jury permissive at the discretion of the court, rather than mandatory.[40] Be this as it may, this provision clearly savors of the destruction of judicial independence as well as the denial to judges of the power to enforce obedience to their orders. More than this, in view of the Supreme Court's express declarations upon the inherent power of the court to punish for contempt, the constitutionality of this provision is, at least, doubtful. On this very point the court said in the Debs case:

"The power of the court to make an order carries with it the equal power to punish for a disobedience of that order . . . In order that a court may compel obedience to its orders, it must have the right to inquire whether there has been any disobedience thereof. To submit the question of disobedience to another tribunal, be it a jury or another court, would operate to deprive the proceeding of half its efficiency" (158 U. S. 564).

The court spoke no less emphatically when it said, in the Buck Stove and Range case:

"The power of the Court to punish for contempt is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed upon them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory" (221 U. S. 418).

[40] Mr. Taft reads this section as merely "declaratory of what was always the best equity practice," and does not even suggest a possibility of its unconstitutionality. 39 *Am. Bar. Ass'n Reports* 379.

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The question of whether or not this section does encroach upon the independence of the judiciary is, of course, a matter for the Supreme Court finally to decide.[41]

To conclude this examination of the labor clauses embodied in the Clayton act, the most striking fact to be noted is not (as labor contended) that the Act made radical changes in the substantive law of labor, but rather that these clauses are in no small degree "declaratory of what would be law without the statute." This, however, is not to say that the Act was entirely futile. The necessity for the legislation, according to the judiciary committee, "arises out of the divergent views which courts have expressed on the subject (of labor) and the difference between courts in the application of recognized rules."[42] Certainly, the mere fact that the Act removes these uncertainties in the law is a noteworthy gain for labor. Nor is this all. In view of the laxity with which the courts had issued injunctions in labor disputes, those provisions which specifically prescribe the rules by which federal courts of equity shall henceforth be guided are admirable, and should do much toward removing the chief objection to the use of injunctions in labor disputes. These, then, are the conclusions which a careful reading of the statute dictates. Just what interpretation the statute was finally to be given, however, was a matter to be authoritatively determined only by the Supreme Court.[43]

[41] Sections 21 and 22, authorizing the defendant in contempt cases to demand a trial by jury, has already been declared unconstitutional by a federal court (*In re* Atchison, 284 Fed. 604), as a legislative encroachment upon the independence of the judiciary. See also Michaelson v. U. S. 291 Fed. 940; 36 *Harvard Law Rev.* 1012.

[42] Senate Report, *supra*, p. 25.

[43] In commenting upon the effect of the Clayton act on labor, Mr. Wm. H. Taft said in 1915: "The changes from existing law (which these provisions) make are not broadly radical and most of them are declaratory merely of what would be law without the statute. This is a useful statute in definitely regulating procedure in injunctions and in express definition of what may be done in labor disputes. *But what I fear is that when the statute is construed by the courts it will keep the promise of labor leaders to the ear and break it to the hope of the ranks of labor.*" 39 *Am. Bar. Ass'n. Reports* 380. This statement, coming as it does from one who was to have the final construction of the Clayton act largely in his own hands, is noteworthy and significant.

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RECENT POLITICAL CHANGES IN THE MOSLEM WORLD

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Ten years ago the Moslem world seemed near to political extinction. The only portion of it that could present a reasonable claim to be called independent was Turkey, and Turkish freedom was hampered by debt control, which gave foreigners the command of a large fraction of the Turkish revenues, and by the Capitulations, which allowed foreigners to reside on Turkish territory without obedience to Turkish laws. At the close of the Great War this last remnant of the once vast political Islam seemed about to be destroyed. But in a little more than five years a very different situation has developed among the Moslems, and in many regions they are moving rapidly in the direction of independence and modernization. Not only Turkey, but Persia, Afghanistan, Khiva, Bokhara, Albania, Egypt, and the Hejaz claim to be independent now; while other regions, such as Palestine, Syria, Mesopotamia, Turkestan, and Azerbeijan, not to speak of Tripoli, Tunis, Algiers, and Morocco, are in different degrees stirred with the desire to become free. In fact, every portion of the Moslem world, defining it to mean those lands in which persons professing the Mohammedan faith are in the majority, aspires to full statehood. India does not fall within this definition, having only about 20 per cent of Moslems; but the Moslems of India along with the rest are agitated by the demand for the complete independence of that great country.

The principal ideas that have been working in the Moslem world are self-determination, constitutionalism, the separation of church and state, the desire to obtain the benefits of

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modern scientific advances, and unwillingness to remain indefinitely among those regarded as backward peoples. All of these ideas have had their origin or their recent development in western civilization. They have all been greatly promoted by the example and in many cases by the actual promises of Western nations engaged in the recent war.

How does it come about that so great a change has taken place since 1918? During the Great War the Moslem peoples played subordinate parts on the two sides. At the end of the war the victors were led by men who had worked their way to the front in the process of creating and directing great forces for the injury of opponents and the promotion of nonaltruistic objects. The spirit of force has gradually passed into the background among most of the peoples of the earth, and has been succeeded by a strong desire to promote peace and accord among the nations. The desire to dominate others and to elaborate great political structures, disregarding the wishes of groups of human beings, has diminished in nearly all countries with the death or the return to private life of the wartime leaders. Only in France does the desire to consolidate colonial empire remain apparently unchanged, though in Italy and Spain serious efforts are made to spur reluctant peoples to the maintenance of slender footholds in Moslem territories. The very different governments of Russia and England have both shown inclination to leave Moslem peoples more to their own devices. It is therefore mainly in the area influenced by the Briton and the Muscovite that Moslems have moved rapidly towards independence and other features of westernization, for the idea of complete independence is distinctly western.

While the Mohammedan world has been divided into many nations, some of which have in practice acted as though absolutely free from each others' influence, nevertheless there has lingered the shadow of the old political unity, which was the essence of Islam under Mohammed and his successors. Until yesterday there were always one or more Caliphs in Islam, recognized as possessing at least a shadowy authority over nations not under their direct political rule. But now the most progressive of

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the Moslem nations has done away with the Caliphate, and in the confusion which has followed, the very multiplicity of claims for the honor shows how hollow its reality has become. The western nations, by destroying for a time the relative independence of most of the Moslem countries and threatening the remainder, have taught them to grasp also the idea of complete independence as regards each other. In the same wild impulse toward freedom the Moslem states, again under the leadership of Turkey, are breaking the religious fetters which have been their greatest hindrance in the recent world movement towards material improvement. The sacred law and the Moslem systems of justice and education, which have hitherto maintained themselves firmly and have forced more modern schemes to leave to them a large and respected place, are being swept aside as political elements. It may not be as easy as Turkish innovators think to relegate these institutions, which have so firm a hold upon the deepest sentiments of millions of devoted Moslems, immediately and permanently into the background. Friends of progress have been many times sorely disappointed at the triumphant resistance of Moslem civilization against salutary changes. Nevertheless, a beginning has been made, and the forces which have hitherto limited greatly the numerous movements for reform in Turkey and other Moslem states may cease to operate, and may open the possibility of a progress comparable in some measure to that of Japan.

In reviewing recent political changes in the Moslem world, Turkey may best be considered first, as having gone the farthest and as leading the way for all the others. It is now about one hundred years since Turkey seriously embarked upon the process of westernizing her political institutions. Even before that she had at several junctures imitated the West in changes of military organization and equipment. Between 1826 and 1876 many changes were accomplished, and there was real progress in passing from a despotic to a limited monarchy. At the end of 1876 a constitution was proclaimed. This document, however, was suspended so quickly that its real functioning began only after the Turkish revolution of 1908. With a limited

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number of changes it survived as the form of government, whatever the reality may have been, until the close of the Great War. The constitution of 1876, as modified, left in place a Sultan, who was also the Caliph of Islam, and who retained a moderate measure of power, such as the appointment of ambassadors, senators, and other officials, and the ratification of treaties. There were two houses, a senate and a chamber of deputies. The chamber of deputies was elected by the male citizens of Turkey on the basis of one representative to 50,000 inhabitants. The executive consisted of a prime minister and a cabinet, who were by amendment to the original constitution made responsible to the lower house. In practice the government was run usually by a small group, who represented the executive of the Committee of Union and Progress. As is well known, during the war Turkey was controlled by a triumvirate, consisting of Enver, Talaat, and Jemal Pashas. At the time of the armistice these and other leaders of the C. U. P. fled, and the government at Constantinople became the sport of political events, being largely controlled until the autumn of 1922 by the occupying forces.

In the meantime the Nationalist movement developed at Angora. This derived legality at first from the presence of a number of members of the Constantinople parliament. After the dissolution under British influence in April, 1920, this body reassembled at Angora and on April 23 declared itself a Grand National Assembly. It might be described as an elected body which functions like a New England town meeting. The Assembly ignored the existing constitution, and declared that to it belonged all the executive as well as the legislative powers of the Turkish nation. It proceeded to carry on government through a council of its own members, known as *Vekils*, which might be translated "Agents." One of them served as chairman, the *Bash Vekil* or "Head Agent." This very simple organization survived until after the victory over the Greeks, and indeed until after the signing of the Treaty of Lausanne and the Allied evacuation of Constantinople. The Constantinople government came to an end in November, 1922; it simply melted away, leaving only Mohammed VI, the Sultan-Caliph; he soon took fright and fled,

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and the Assembly proceeded to abolish the office of Sultan. They left to the heir-apparent, Abdul Mejid, the position of Caliph. But they assigned to him no duties, and it became evident that there actually were none belonging to the office. Abdul Mejid carried the title until March third of the present year, at which time the National Assembly abolished the office, and ordered the former imperial family, male and female, to leave Constantinople. It was subsequently announced that whatever powers the Caliph may have had belong now to the National Assembly.

A committee of the Assembly worked out a new constitution, which was adopted portion by portion, and ratified as a whole before the Assembly's recess in April. It constitutes in general a logical elaboration of the simple arrangement of 1920. In addition to the president of the Assembly, there is a president of the Republic, who is elected by the Assembly to serve during its four-year term. At the present time, the same person, Ghazi Mustapha Kemal Pasha, is president both of the Assembly and the Republic. He is also president of the Popular party, whose caucus includes nearly all the members of the Assembly, and of the Council. This Council is a new body, created to carry over during the recesses of the Assembly; it consists of the ministers and the chairmen of standing committees. The Turks pride themselves on having the purest democracy among all existing governments. To emphasize this more fully, they are proposing to extend the franchise to all male citizens above the age of 18 years. They discussed giving it to all female citizens likewise. It is proposed to abolish polygamy.

Steps have already been taken to remove education entirely from the control of the Moslem church organization, and also to secularize the courts of justice. Long ago the administration of lands devoted to religious endowments or *Evkaf* was put under the control of a government department, which collected the revenues into one treasury and paid salaries to judges, teachers, and mosque officials. Apparently these revenues are now to be confiscated to the state. All of this clearly constitutes a very revolutionary change for a Moslem country. It is not here the

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place to discuss the probable permanency of the scheme; suffice it to call attention to the vigorous opposition which has been created in the minds of many faithful Moslems in Turkey. A similar revulsion of feeling has affected religiously-disposed Moslems everywhere, who though admiring Turkey as the champion of Islamic liberties cannot but abhor the anti-ecclesiastical actions of the Turkish government.

While this new Turkish government has a singularly democratic form, many criticisms have been made against its practice. It is affirmed that the great majority of the Turkish voters have no conception of democracy or of participation in government and that actually they have been voted in shoals for government candidates at the elections. It is said that no one could obtain a place in the Assembly who was not approved by Mustapha Kemal or his immediate supporters. It is said, furthermore, that Mustapha Kemal is in reality a monarch, and that his will is promptly obeyed by all persons connected with the present government. If these strictures be substantially true, the new Turkish government combines, in practice, features that are not only democratic, but also oligarchic and monarchic. The Oriental and Islamic world has always played the game of "follow your leader." Liberal Moslems of the present day are unitedly affirming that there was democracy in the early Moslem times. While undoubtedly there was in those days the theory of the equality of all believers, nevertheless there was always from Mohammed's day down a leader to whom was attributed divine or semi-divine appointment, and whose position tended rapidly to become hereditary. It was indeed the practice that when such a person or family violated the Sacred Law, he might be judged by high church lawyers to have forfeited his place, but he was not in such a case succeeded by any democratic form of government. He was replaced by another leader, in whose selection there might be a very limited form of general participation through the religiously-trained men of the country and time. It is therefore quite in line with Islamic precedents that the authority of the new Turkish Assembly should center upon the person of Mustapha Kemal, successful leader in war and moderate guide in

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time of peace. The first real test of this new democracy may come at the end of one or two terms in office, when it will be seen whether Mustapha Kemal has in him the stuff of George Washington, who after eight years of chief magistracy laid down all his powers and returned to private life.

Transferring our regard to Persia, we may discern there the possibility of a similar development. The Persian period of reform does not date back more than thirty-five years. Nevertheless the Persians put into effect a constitution in 1906 and 1907, more than a year before the revival of the Turkish Constitution of 1876. But with the simultaneous attempts of Russia and England to impose control over all Persia, the efforts of the Persian imperial family to regain full power, and the violation of Persian neutrality by both sides during the Great War, the constitution has been of little weight. Some months ago a new *Mejliss* was elected. This parliament shows itself much more liberal and modern than any previous Persian Assembly. A leader of distinct ability, Riza Khan, has worked his way up from the ranks of the army, until he has become prime minister. Having a firm hand upon a greatly improved army organization and receiving ever-strengthening financial support from a group of American advisers, Riza Khan seems to be approaching such a control in Persia as Mustapha Kemal has in Turkey. Recently he addressed himself to the problem of abolishing the office of Shah. The Shah of Persia has lately had no more to do than had the Caliph Abdul Mejid. Shah Ahmed Mirza began in 1919, using the first installment of a proposed British loan, a series of journeys to Europe, on one of which he is now engaged. He has been declared deposed, and his two-year old son proclaimed Shah in his place. But reaction in the Capital was strong enough to prevent the proclamation of a republic.

The population of Persia is nearly twice that of the present reduced Turkey. Its people have by no means been exposed to western influences to the same extent as the people of Turkey. In particular, they have had much less missionary work done among them, and they have not been tried by playing the part of combatant in a series of wars, including the greatest war of all

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time. Their group of men who have had much contact with western ideas is much smaller than in the case of Turkey. The abolition of the office of Shah would not have as much religious significance as the abolition of the office of Caliph in Turkey. Nevertheless the Shah is supposed to represent the hidden Twelfth Imam, a final successor of Mohammed, who is yet to appear upon the earth. The power of the learned men of Islam is apparently considerably greater in Persia than it is in Turkey. On this account so complete a separation of church and state cannot be brought about in Persia in the near future as has been inaugurated in Turkey.

Egypt is much more educated in some western ways than either Turkey or Persia. But she has not had real independence since she was conquered by Sultan Selim in 1517. During the last forty odd years she has been under the close control of British officials. Two years ago an agreement was reached with England which grants to Egypt almost complete self-rule, and a moderately liberal constitution was drawn up promptly. Lately an election was held, a new ministry was constituted under the great Nationalist leader, Saad Pasha Zaghlul, and a parliament was opened with much rejoicing. Egypt is a limited monarchy, with two houses, the ministry being responsible to the lower house. The King Fuad I, of Albanian descent, is not popular. Several years of agitation have caused the educated classes to be very desirous of complete freedom from the rule of England or of any other foreign country. There exists a considerable body of educated men, who know much of European methods, and who desire their country to have a respected name before the world. It is reported that King Fuad would like to have the title of Caliph. If a conference of Moslems should be assembled at Cairo no doubt his friends would play strongly for his selection as the head of the Moslem world. This would add nothing to his power, but something to his prestige and dignity. Inasmuch as Egypt contains about 14,000,000 people, he can claim to be the ruler of the largest independent body of Moslems in the world. But he is not likely to be accepted as Caliph outside of Egypt.

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Whereas at the present moment England appears to be withdrawing more and more from control in Egypt, she is increasing her influence in the Arabian world. Until the Great War, Turkey was in possession of a horseshoe of land which extended from Yemen northward along the Red Sea and the Syrian coast of the Mediterranean, eastward at the foot of the Anatolian Mountains, and southeastward beside the Euphrates and Tigris Rivers to the head of the Persian Gulf. Within this horseshoe and beyond it to the southeast lay independent Arabia, the heart of which was and still is under the control of the Sultan of Riyad, Ibn Saud. England had then full ownership of one small region only at Aden, and some protectorates along the western side of the Persian Gulf, as in Oman and Koweit. Turkish Arabia was never thoroughly obedient to the Turks. There began in 1905 a movement of revolution which was distinctly inspired by the western idea of national self-determination. This movement was not entirely suppressed by the time of the Great War, and after the war had broken out, a British group took shape which favored the separation of all the Arabic-speaking regions of Turkey, with the ultimate aim of bringing the area under the control of Britain. This would give Britain a continuous belt of territory from the Cape of Good Hope up the whole length of Africa and along the south of Asia to the border of Siam; in case of the ultimate break-up of China, Britain would reach the Pacific Ocean at the mouth of the Yang-tse-Kiang.

The exigencies of warfare led to certain promises which impaired this simple plan: In the first place very clear assurances were given to the Arabs that they would be allowed complete independence; in the second place, since France had interests in Syria, and since she was bearing the brunt of the land resistance against Germany on the western front, she expected a share in the spoils of the Near East; in the third place, Mr. Balfour found it desirable to placate the Jewish world by a guarded promise of a foothold in Palestine. This British group selected Hussein, head of a Meccan family which claimed to be descended from Mohammed (the claim is not undisputed), to be leader of the Arab revolt against Turkey under the title of King of the Hejaz.

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King Hussein was awarded annual subsidies of British gold and was distinctly encouraged to hope that he might become a sort of emperor, and his four sons kings, in a new Arabian Confederation which would include the entire Arabic-speaking area of Turkey.

When peace brought the detachment of these lands from Turkey, the conflict of promises led to important difficulties which have, if anything, increased up to the present time. France demanded and obtained Syria; Palestine was set off to make possible a special Jewish influence there. In the remainder of the territory King Hussein was confirmed in the possession of the Hejaz, which extends from south of Mecca to the region south of the Dead Sea; his son Abdullah was made Emir of Kerak or Transjordania, a small and poor area east of the River Jordan and the Dead Sea; another son, Feisal, after having been driven by the French from Damascus, was set up by the British as King of Iraq or Mesopotamia. The region south of the Hejaz, including Asir and Yemen, remained aloof, as did also the former independent Arabia.

The Arabs of all these regions are in a state of greater or less discontent. They feel that nowhere do they have a real independence; in fact, they claim that they have less liberty than they had under the Turks after the Revolution of 1908. Some of them long to have the rule of the Turks restored. Others strive still for complete independence. The present régimes under both French and British influence are held in place only by foreign steel and gold. Both British and French hope that in the course of time the situation will alter sufficiently to stop expenses and yield them advantages; but of this there is no immediate prospect. The French have enlarged the former autonomous district of Lebanon into the Greater Lebanon; in this area a large proportion of the inhabitants are Christians. Most of the remainder of the territory held by France is in three districts which are combined in a Syrian Confederation, while a remaining area is inhabited mainly by Druses. The French have set up in each district a native administration, which is sustained and closely

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advised by French officials. Only a small section of the population appears to be coöperating loyally with the French. The great majority desire independence of western rule. They do not greatly desire a government by the family of Hussein, but the French are reported to have negotiated in the direction of setting up Zeid, youngest son of King Hussein, as King of Syria. If these negotiations fail, it is likely to be because the French aim to retain actual control of the country under the form of a native kingdom.

In Mesopotamia, Transjordania, and the Hejaz, the British appear to have at the present time a quieter situation than have the French in Syria. King Feisal, Emir Abdullah, and King Hussein, each surrounded by a group of supporters, are maintaining themselves with the help of British money. The situation in Mesopotamia differs from that in the other two areas, mainly in that the British have still a considerable military force alongside of the small native army. Furthermore the British are maintaining in Iraq a High Commissioner with a staff of advisers and inspectors. The British government is to pay the whole expense for the British troops in Mesopotamia, and half the expense of the British administration. At present they seem also to be paying a very considerable subsidy to King Feisal. In fact, the possibilities of revenue from taxation in Iraq are very limited. The country can scarcely sustain the King and his officials, not to mention a portion of the expense for the additional British government. While King Feisal is a capable and adaptable man, his government is highly artificial. A parliament has been elected, a constitution is ready for adoption, and a treaty has been ratified between this government and the British government; but this modern machinery is mainly the work of British officials, and can in no sense be said to rest upon the free choice and the political self-determination of the Mesopotamian Arabs.

The abandonment by Turkey of the Caliphate has, for the time being, played into the hands of King Hussein. Within four days after the expulsion of Abdul Mejid from Constantinople, representatives of the Hejaz, Transjordania, and Iraq were an-

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nounced to have proclaimed King Hussein as Caliph. A portion at least of the Palestinian Arabs have since acquiesced in this movement. Probably the Syrian Moslems will adhere likewise. They were so inclined in 1919, when the speaker was privileged to hear the declarations of a large number of their representatives. All this may help King Hussein and his family to become established as leaders in the horseshoe from Mecca to Basra. But there is small prospect of his being recognized anywhere else in the Moslem world. The remainder of Arabia, being increasingly under the influence of Ibn Saud, has already expressed vigorous opposition to the claim of Hussein upon the Caliphate. This may evolve soon into actual hostility and military effort. The Moslems of India are more friendly on a historical basis, to the Turks than to the Arabs. There is no prospect that Moslems of Nationalist Turkey will accept an Arab as Caliph. As for the Italian and French Moslems of North Africa, they will be hindered in every possible way by European influence from acknowledging King Hussein as Caliph, because King Hussein is known to be in British pay. Accordingly, the immediate prospect is that Hussein will be the Caliph recognized in something like three-fourths of the former Arabic-speaking regions of Turkey in Asia, but nowhere else. The prediction has been ventured that if the British subsidies should be withdrawn alike from the family of King Hussein and Ibn Saud, the latter would proceed promptly to defeat and drive out the former group and make himself head of a confederation which would include all Arabia with Syria and Mesopotamia. If such an organization could keep the peace within itself, and form an alliance with Nationalist Turkey, a strong Moslem block would be created extending from the Indian Ocean to the Black Sea.

It should not be forgotten that England holds Palestine (including Transjordania) and Mesopotamia, and France holds Syria, under mandates approved by the League of Nations and recognized by our own government. This introduces a new complication whose effect cannot now be calculated.

A few words will suffice to describe the situation in Northern Africa west of Egypt, inasmuch as the only recent political changes

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there have been the extension of the French Protectorate over the greater part of Morocco, the attempts of Italy to get control of Tripoli, and of Spain to subdue the Northern Zone of Morocco. Italy has been awarded the main seat of the Senussi in the Oasis of Kufara. The Senussi are the most conspicuous of the Moslem con-fraternities. Organized in a simple and effective way for the economic development and the military defense of their settlement, this brotherhood is not a danger to peace if let alone. The Italians appear to be in possession, at present, of little more than a narrow strip along the Mediterranean littoral of the large area shown in their color upon the map. The French are continuing in Tunis the method of government by paralleling the native administration which they set up forty years ago. In Algiers, also, there has been no recent change from the plan by which there is combined a military control under a French Governor-General, with a civil government, whose three departments are closely modelled after that of the French homeland. In Morocco the French have gradually extended their influence during the past twenty years until they have shored up all important offices of the native government, both central and local, with French governors, advisers, and inspectors. This has of course substituted for native rule a close French control. It is known that in all the Moslem North African areas under France, a portion of the population seeks independence. Whether this group will have at any time in the near future sufficient power for effective action is a question that can not be answered. Certainly the rapid movements toward constitutional government and independence of western influence, which are growing in other parts of the Moslem world, will increase greatly the burden which France must bear in maintaining rule over her Moslem possessions.

Afghanistan does not appear to have changed its form of government, but it has changed the personnel and the spirit of its administration. It is now some eighteen years since Amir Habibullah began the introduction of many European practices, which included modernization of army organization and equipment, the building of roads and schools, and the introduction of numerous western appliances. The present Amir has instituted a system of

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military conscription which demands one man in eight from the whole country, and has made plans for a new capital, which is to be built under the supervision of French architects. Across the border in Khiva and Bokhara, the influence of Russian example and propaganda, not without active interference, induced the people three years ago to drive out their monarchical rulers and set up a Soviet Republic. About the same time the government of Azerbaijan, which had been organized by the Turks, was placed on the Soviet basis. The Russian, Turkish, Persian, and Afghan governments have recognized the independence of these three Soviet republics in former Russian territory. A specific description has not come to hand of how these bizarre combinations of ideas are functioning. Just as the royal systems of Egypt, the Hejaz, and Mesopotamia show a suspicious resemblance to the governments of England, so these Moslem communist "republics" suggest a conformity with the government at Moscow too great to be compatible with complete independence.

The Moslems stand in the presence of the greatest opportunity for unmolested reorganization which they have had since the beginning of modern times. The great western empires, which have been busily engaged in extending their influence and authority over all parts of the Moslem territories, were all badly damaged during the Great War. Austria was destroyed; Germany was deprived of all external influence, and the Russian power was shattered for the time being. The victors, Britain, France, and Italy, were left heavily burdened with debt. While there remained in their governing groups persons who favored continuance of imperialistic expansion, the peoples soon showed themselves extremely weary of heavy expenditures and military struggle. The armies of these powers were rapidly reduced to a peace-time footing, and popular aversion to the reëstablishment of war conditions manifested itself quickly and has continued until now.

On the other hand the Moslem areas had participated fully in the strong world-wide upsurge of nationalism which surprised most observers during the years of the Great War. Possibly there was no great actual sudden increase of nationalist feeling, but

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rather the coming to light of a force which had long been gathering strength. The movement for separation of church and state in Islamic lands has seemed until lately unequal to the stroke of cleaving apart the closely-unified Moslem manner of living, but now Turkey appears nearly, if not entirely, able to accomplish the wonder, and Persia has been making a trial. The tide of European imperialism may not long remain at ebb. Moslem nationalism may have only a few years in which to strengthen itself for the maintenance of its new-won measure of independence.

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FOREIGN GOVERNMENTS AND POLITICS

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The German Elections. The third general election in Germany since the Revolution occurred on May 4, 1924. From the viewpoint of both her relations to foreign countries and her internal situation, this was an event of primary importance. As in the case of the previous elections, domestic questions were largely overshadowed by the ever-threatening foreign situation. In January, 1919, under the provisional revolutionary government, a National Assembly was elected which adopted the present constitution and continued thereafter to act as the ordinary legislative body. Chosen in the stress and storm of the armistice period, its election turned more on the question of making peace with the Allies than upon the nature of the government which it was to create. This body was overwhelmingly republican, and largely socialist, and the Constitution reflects the advanced views of its members. The government during this period rested on a coalition of Majority Socialists and Democrats, with the Center supporting from the first, and eventually sharing in the ministry. The second general election (the first conducted under the terms of the Constitution) was held on June 6, 1920. The war issues and the general question of foreign policy continued to dominate the scene. The coalition of Socialists, Democrats, and Center retained its control, but with a considerably reduced majority. The Left, consisting of Independent Socialists and Communists, was very much strengthened, as was also the Right composed of the German People's Party (the old National Liberals) and the German National Party (Conservatives) whose monarchical tendencies were slightly, if at all, veiled. It is this Reichstag which, having served its four-year term, was dissolved on March 13 and has now been succeeded by the body chosen on May 4 of the present year.

The movement, reflected in the election of 1920, from the moderate parties of the center toward the right and the left was increasingly emphasized during the whole period from 1920 to 1924. This tendency

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is revealed in the municipal, district, and state elections; it is seen in the widespread and aggressive agitations of both the Communists and reactionaries; and it is visible in the changing complexion of the Reichstag and the ministry. In 1922 the Independent Socialists split into two factions, one of which combined with the Majority Socialists to form the United Social Democratic party, the other moving to the left and constituting an intransigent Communist group. From among the conservatives likewise there was formed an ultra-conservative group which preached the doctrines of direct action in behalf of the counter-revolution. The coalition supporting the government was altered by the inclusion of the German People's Party, whose leader, Gustav Stresemann, has played a very important rôle both as prime minister and foreign minister during the last year and a half, and by the withdrawal from the ministry of the Socialists, though they have continued in the chamber to give the government their general support. During the year and a half previous to the election, therefore, the so-called moderate parties, Democrats, Center, and People's Party have been in control. Together with the Socialists, who have been in effect their allies, they have had an overwhelming majority in the Reichstag.

The election turned on two issues: the acceptance of the Dawes Report and the restoration of monarchy. As is so often the case in continental politics, the moderate parties of the center were combined against a thoroughly illogical union of the two extremes. The Marx government, in definitely accepting the Dawes Report, had elevated this question into an issue of supreme importance. Against this policy the German National Party under its leader, Dr. Karl Helfferich, at first took a violently antagonistic attitude. The ultra-conservatives, who had organized a party known as the *Volkische* (Freedom) Party, were even more bitter in their opposition. The Communists likewise opposed the acceptance of the report, as representing, in their view, a still further burden on labor. Strongest in the occupied area, where already the so-called "Micum" agreements have resulted in the abandonment of the eight-hour day, they believe that the Dawes arrangement would mean a still further shackling of the working class. To them it represents the climax of capitalistic machinations. Supporting the government's policy were the Social Democrats, the Democrats, the Center, and the German People's Party. The death of Dr. Helfferich, on April 23, removed the leader of the German National Party who was most irrevocably committed to opposition to the Dawes plan, and during the last few days before

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the election Count Westarp, Dr. Hergst, and Admiral von Tirpitz, who had assumed the leadership of this party, spoke with more reservation. Instead of being "unacceptable," the report was characterized as "unfulfillable," and it was suggested that with certain important modifications it might serve as the basis of negotiation. This somewhat altered attitude is important, because the ultimate fate of the Dawes plan rests to a considerable extent in the hands of this party. One important feature of the project is the conversion of the railroads, which will require a constitutional amendment, for which a two-thirds majority of the Reichstag is necessary. The Nationalists may possibly defeat this if they undertake to do so.

On the question of the restoration of the monarchy the ultra-conservatives were not only outspoken, but prepared to use every means for its accomplishment. General von Ludendorff, whose judicial acquittal for participation in a monarchistic *putsch* in Munich had recently attracted attention, was the hero of the Freedom party. His candidature for election to the Reichstag aroused feeling on either side to fever heat. The German National party was likewise definitely committed to a monarchist restoration, but presumably by constitutional means. There was, however, sharp division between supporters of the Hohenzollerns and those who favored the Bavarian house of Wittelsbach. Even a portion of the German People's party are known to favor a revision of the constitution in a monarchical direction, though viewing the question for the present as purely academic. A speech by their leader, Stresemann, at Hanover, in which he said that he had nothing in common with the Weimar constitution and glorified the old imperial black, white, and red banner, caused for a moment considerable perturbation among the adherents of the parties to the left.

The dispersive and atomistic character of German politics is well reflected in this election. No less than twenty-three distinct party groups competed, and seventy-five separate tickets were placed in the field with a total of 4514 candidates. About 800,000 ballots were cast for nondescript tickets which did not succeed in obtaining the necessary 60,000 votes and were consequently left unrepresented. No doubt the system of proportional representation, the so-called "list system," contributed considerably to this multiplicity of parties. But it is also doubtless true that German political psychology is responsible to a large extent. Bismarck's remark, that the average German citizen is unhappy unless he has a party of his own, is illuminating.

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The German electorate, which includes all men and women over twenty years of age, numbers about 35,000,000. Of this number, about eighty-five per cent actually voted. There was no serious disturbance in connection with the election, though the flames of party passion rose high. In accordance with the Constitution and the general continental practice, the polling took place on a Sunday. The complexities of the count under the proportional representation system prevented the results from being fully known for some days. As was anticipated, the election showed a still farther swing both to the right and to the left. The ultra-conservatives, who had made a great deal of noise during the campaign, did not succeed in electing as many deputies as had been expected, but the German National party enjoyed a very marked increase in representation. The most startling result, however, was the decided gain which the Communists achieved, more than quadrupling the number of seats which they controlled. These gains were balanced by corresponding losses by the Socialists and the three moderate parties. The Communist gain was, of course, wholly at the expense of the Socialists, and indicates a feeling on the part of large numbers of workingmen that the Socialist leaders have been entirely too conciliatory in their support of what the workingmen consider a thoroughly *bourgeois* government. The strength of the groups in the new Reichstag is as follows:

Social Democrats	100
German National Party	96
Center	65
Communists	62
German People's Party	44
Freedom Party	32
Democrats	28
Bavarian People's Party	16
Bavarian Peasants	10
Land Unions	9
Hanoverians	5
German Socials	4
Unclassified	1
Total	472

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The following table, showing the strength of the more important parties in the three elections of 1919, 1920, and 1924, may prove of interest:

YEAR OF ELECTION	GERMAN NATIONAL PARTY	GERMAN PEOPLE'S PARTY	CENTER	DEMOCRATS	SOCIAL DEMOCRATS
1919	42	22	89	74	185
1920	67	66	68	39	173
1924	96	44	62	25	100

It should be noted that in this table the data for 1920 are really for the Reichstag as it existed immediately before the election of 1924. In the case of the Social Democrats, no division is made, in the first two elections, into Majority and Independent Socialists.

It will be observed that the coalition which, together with the Socialists, has supported the government under the Marx ministry retains a very slight majority. This combination numbers 237 members as against 235 of all other groups. Several of the small groups, including the Bavarian People's Party with its sixteen members, can, however, be counted upon for friendly support.

The new Reichstag convened on May 27, the first sittings being characterized by the wildest demonstrations both from the Communists and the Freedom party. Chancellor Marx submitted the resignation of his ministry to the President, who at once commissioned him to form a new cabinet. Thereupon protracted negotiations ensued. The alternatives were a cabinet composed, as theretofore, of Democrats, Center, and People's party and supported by the Socialists,—a continuation, in effect, of the previous government,—or an out-and-out *bourgeois* coalition in which the three moderate parties would be allied with the German National party, and against which the Socialists could be counted upon to stand in opposition. The People's party leaders were desirous of effecting this latter combination, but the demands of the Nationalists were so excessive, and their attitude on the Dawes Report so uncertain, that in the end this proved impossible and the old alignment was reëstablished. It was feared that, with the shifting of strength to the extremes which the election had produced, the new Marx ministry would be unable to command an actual working majority. However, upon a vote of confidence, on June 6, the government was supported by 239 to 194; and later in the

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same sitting, the Reichstag approved the government's position on the Dawes Report by a vote of 247 to 183.

While the election has without doubt seriously weakened the moderate republican coalition, there is a reasonable prospect of its continuance in power, the carrying into effect of the Dawes plan, and the maintenance of a republican form of government. With more settled conditions and the return of a moderate degree of prosperity, which it is hoped may flow from the adoption of the Dawes project, it would appear likely that the high tides of radicalism and reaction, which are just now so menacing, will considerably subside.

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The French Elections. From at least three points of view the French elections of 1924 are of unusual interest. By millions that have continued to hope for peace and economic settlement in Europe the unexpected victory of the Left Bloc has been heralded as marking the end of the "nightmare" of the last two chaotic years. To the student of the machinery of representation the elections have afforded another opportunity to test the working of the bizarre electoral law of July 12, 1919, which attempted to marry the majority system to a distorted scheme of proportional representation. And for the constitutionalist the dramatic crisis culminating in the forced resignation of M. Millerand one month later has added a new and unprecedented chapter to the study of the operation of the French parliamentary system.

While the eve of the elections of May 11 found M. Poincaré still in control, there were several signs that his policies were no longer winning acceptance with the quasi-unanimity of a year earlier. The collapse and partial recovery of the franc in February, though patriotically stigmatized as a *Verdun économique* by the National Bloc, was the first development that left the ministry with a somewhat weakened prestige. Then followed in March the so-called decree-laws for the purpose of effecting administrative economies amounting to a billion francs, and the twenty per cent increase in taxes. Though finally victorious in forcing a reluctant Parliament to accept these unpopular measures, M. Poincaré significantly decided to offer the resignation of his cabinet after a snap vote on a pensions bill in the Chamber on March 26 had put the ministry in a minority of seven. The explanation of

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this maneuvre is probably to be found in the composition of the reorganized cabinet: all but two of the old members were dropped and four leaders of the moderate Left, former critics of Poincaré's domestic policies, and to some degree of his Ruhr program, were included in the new cabinet.[1] The Parisian press seemed to interpret this move as indicating an admission that a swing toward the Left was anticipated in the coming elections. The *Journal des Debats*, for example, referred to the episode as "the preface to the electoral campaign."

In early April the Dawes Report was published. Its prompt, even if at that time qualified, acceptance by Poincaré may be taken as a further sign that the attacks of the Radical and Socialist forces on the whole Ruhr policy were beginning to bear fruit. While it is true that no group short of the extreme Communists was outwardly opposed to "making Germany pay" to the limit of her capacity, it was also evident that nothing less than the complete application of the experts' proposals, followed by a progressive evacuation of the Ruhr, would satisfy the followers of MM. Herriot, Briand, and Painlevé. In fact, M. Poincaré himself, from the tone of some of his letters to Mr. Ramsay MacDonald, appeared to be veering generally in that direction.[2] But as the electoral campaign opened in the last week of April,[3] the Radical and Socialist press was still stressing the fact that the "obnoxious" National Bloc must be defeated if there were to be social and economic recovery at home, reconciliation with Germany, and broad guaranties, ultimately under the League of Nations, for the security of France in the future. Such was the political background of what turned out to be the most strenuously conducted electoral contest France had seen in many years,—a campaign as a result of which three deputies died from over-exertion, and during which it has been estimated the average candidate covered 650 miles, made sixty speeches, and had 120 hours' sleep.[4]

Remembering only too well how the National Bloc had utilized the electoral law of 1919 to its own advantage in the elections of that year, the leaders of the Left in 1924 determined to adopt similar tactics for themselves. Consequently, in all but ten or a dozen departments, they coalesced their forces in a single list, or ticket, labeled usually the

[1] The four were Louis Loucheur, François Marsal, Henry de Jouvenal, and Daniel Vincent.

[2] He would admit Germany to the League provided she accepted the Dawes plan as modified by the Allied governments.

[3] The legal electoral period in France is twenty days.

[4] *New York Times*, May 29, 1924.

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Cartel des Gauches. Included in this combination were the Radicals and Socialist-Radicals, the Republican Socialists, and the Unified Socialists (*Section française de l'Internationale ouvrière*), comprising the whole of the effective opposition to the National Bloc except the uncompromising Communists. On the other hand, the National Bloc presented a divided front, for in most departments there were at least two, and sometimes three, distinct lists bearing names so varying as to mean almost nothing to the outsider except that they indicated different *nuances* of "republicanism" and "nationalism."

The contest, as a matter of fact, brought forth a multiplicity of lists and candidates unusual even in French politics. In all, more than 2,600 candidates presented themselves, on as many as 452 separate lists in eighty-nine departments (some divided into two or more electoral districts), representing at least fourteen different party groups. The department of the Seine, in which Paris is located, had 564 candidates for fifty-six seats in the Chamber; while the number of party lists in the four electoral circumscriptions of the department ranged from seven in the fourth to sixteen in the first. Thus, in spite of the fact, as M. Léon Blum well expressed it,[5] that the electoral law of 1919 "encourages coalitions," the French habit of making fine distinctions in political groups and labels received but a slight check this year.

In analyzing the results of the voting, attention is first arrested by the fact that an exceptionally high percentage of the registered voters went to the polls. During the last few days before the elections were held, the *Ligue civique*, an organization somewhat analogous to our National Civic Federation, issued appeal after appeal in the Paris papers to the effect that whatever happened, it was the duty of every Frenchman to exercise his right of suffrage; to vote, of course, for "honest men and proved republicans," but above all, to vote.[6] These appeals may not have been necessary, but at all events the result was that more than eighty per cent of the electorate actually voted; in other words, slightly more than 9,000,000 men cast ballots out of approximately 11,000,000 on the registers. In some departments the number of abstentions fell to as low as fourteen per cent, as compared with an average of thirty per cent in the elections of 1919. Non-voting, in fact, was six or seven per cent less in France on May 11 than

[5] Cf. his article on "The Socialists and the French Elections," quoted in Littell's *Living Age*, May 3, 1924.

[6] *Le Temps*, May 10, 1924.

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in the British general elections of December, 1923.[7] The French peasant and shopkeeper said little before the time came to vote; they merely went to the polls and calmly indicated their choice.

It is in the actual distribution of the votes, however, that the student of electoral machinery finds the most interesting and significant aspect of the contest. As party strength stood in the old Chamber just before its final adjournment in April, the National Bloc (counting Monarchists and Catholic Conservatives) could muster a maximum of about 370 votes; the Left Bloc, from 150 to 175, with thirteen Communists on the outside, at the extreme left. In the new Chamber which met June 1, the divisions, according to the *communiqué* issued by the ministry of the interior on May 14, were as follows: National Bloc (including Conservatives, Republican Entente, Republicans of the Left, and Democrats of the Left), 264; Left Bloc (including Radicals and Socialist-Radicals, Republican Socialists, and Unified Socialists), 276; Communists, 29.[8] That is to say, the swing to the Left gave to the Herriot-Painlevé-Blum cartel more than 100 more seats than they held in the old Chamber. Incidentally, the votes taken on the election of M. Painlevé to the presidency of the new Chamber June 4, and others since, would indicate that, for the time at least, the Left can count on a majority of from 50 to 100 votes, though in the Senate they are considerably weaker.

The total membership of the Chamber of Deputies was reduced by the law of March 15, 1924, from 629 to 584; and in the redistribution of seats thirty-five departments lost one seat each, seven lost two each, one lost three, while five departments gained one seat each, and the department of the Seine gained two. It is interesting to note that the elections of May 11 brought into the Chamber 260 new members. Familiar personalities such as Tardieu and Léon Daudet were among the electoral casualties. Moreover, the proportion of ex-army officers significantly fell from sixty-two per cent to three per cent. Occupationally, the membership is divided as follows: 125 lawyers, 59 agriculturists, 58 workers, 34 industrialists, 31 professors, 31 publicists, 30 merchants, 29 physicians, 27 ex-functionaries, 25 landed proprietors,

[7] Seventy-five per cent of the British electorate voted in December, 1923. Cf. W. T. Morgan, Note on the British Elections, *Amer. Pol. Sc. Rev.*, May, 1924.

[8] These figures account for only 569 deputies: the results of ten seats in the colonies had not yet been received; *ballottage* was necessary for four seats in Belfort and Alger; one seat in the department of the Nord was still doubtful.

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and various smaller miscellaneous groups.[9] Politically, the membership resembles quite closely that of the Chamber elected before the outbreak of the war in 1914.

But a careful analysis of the results of the voting on May 11 reveals that there was no such decided overturn by the electorate in favor of liberalism as the political complexion of the new Chamber might suggest. Out of 9,000,000 votes cast, the total of the "list averages" of the *Cartel des Gauches* reached only slightly more than 3,600,000 votes, which, added to 850,000 Communist votes, gives an aggregate of around 4,500,000, or approximately fifty per cent of the total vote cast.[10] The remainder of the votes was divided among the four or five groups of the nationalist Right, shading off from moderate republicans to reactionary royalists, the last-named group, be it noted, losing considerable ground. The fact is that the Left realized a gain of probably forty seats through the application of the "absolute majority" principle in departments where their constituent groups were combined in a single electoral list.[11] Stated more concretely, thirty-seven departments elected 223 deputies, or nearly forty per cent of the whole Chamber, by absolute majority, with no representation whatsoever for minority groups. The most glaring example of this is found in the department of the Rhône, which chose its entire delegation of thirteen by such a method.[12] Furthermore, at least ninety-three deputies were elected by reason of belonging to tickets receiving the largest list average, after both the absolute majority and the electoral quotient had ceased to operate. In sum, only 252 deputies won seats as a result of the application of the proportional principle found in the division of the list average by the electoral quotient.[13] The National Bloc lost about one-thirtieth of its popular vote of 1919, but one-third of its deputies, while the Left Bloc increased its popular strength over 1919 by one-thirtieth, thereby gaining a one-third larger

[9] This list is given in *Le Temps* for May 15.

[10] These figures are based on the unofficial returns published in *Le Temps*, May 13, with a few districts either missing or incomplete.

[11] M. Georges Lachapelle estimates that the gain of the Left Bloc by the premium thus given to absolute majorities was forty-two seats. Cf. Réné Pinon, "Chronique politique," *Revue des Deux Mondes*, June 1, 1924.

[12] In the elections of November, 1919, twenty departments elected candidates by absolute majority, or thirty-five per cent of the whole Chamber. Cf. A. Esmein, *Eléments de Droit constitutionnel* (7th edition, Paris, 1921) II, 317.

[13] The proportional principle operated more effectively in urban than in rural districts.

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representation in the Chamber. This means, in different language, that the National Bloc, though receiving slightly more votes in the elections of this year than did the Left Bloc excluding the Communists, has fewer seats in the lower house. One French writer, in commenting on the results of the elections, has gone so far as to say that "the National Bloc fell from power through failing to modify the electoral law by establishing pure proportional representation."[14] Such a claim is perhaps an over-statement, but in any event the new Parliament will doubtless see another flood of proposals looking toward a more equitable system of representation than the existing travesty.

Granted, then, that the popular condemnation of the Poincaré regime was, after all, rather mild in contrast with what has been intimated by certain periodicals in England and the United States since the elections, we still have to account for such shift in public opinion as there actually was. Why was it that neither Paris itself nor the outside world was ready for the fall of Poincaré? The first and most obvious fact bearing on the situation is that Paris is not France: it was mainly the provinces that defeated the National Bloc. But why did rural and village France turn toward liberalism on May 11? The underlying general causes, to judge from a preponderance of French opinion, lay rather in the domestic situation than in the domain of foreign policy. The large increases in taxes, always exceedingly unpopular to taxpayers, above all the French; the decrees providing for drastic reductions both in the numbers and in the salaries of the administrative personnel of the public services; the fear that a reinstatement of the Poincaré regime might possibly endanger the life of the republic and produce a state of affairs susceptible of "fascist" manipulation; and finally, the rising cost of living,—all these factors entered into the contest, and for the most part the ministry in power, in spite of its control of the electoral machinery, suffered more than it gained from them.

But is M. Poincaré right, on the other hand, in asserting, as he did in a speech before the departmental council of the Meuse on May 27, that "the election disavowed in no wise the foreign policy that the Government has followed"? Would a plebiscite on the question of the occupation of the Ruhr have given a negative verdict? Probably not. All parties were campaigning, of course, in the name of peace; their differences arose from the problem of finding the best method for

[14] Pinon, *Revue des Deux Mondes*, June 1, 1924.

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realizing it with adequate security for France. What the elections show is simply that the French people are in favor of some quick solution of the deadlock with Germany, and that there is a majority among them for an agreement with their Allies and for the application of the Dawes reparations plan. As has already been pointed out, M. Poincaré himself was beginning to see the handwriting on the wall even before the upset of *le onze mai*. The verdict of the electorate, though by no means a landslide, was away from the spirit of dictation and force to one of conciliation and moral suasion. On that verdict the courteous, careful diplomacy of Ramsay MacDonald undoubtedly had an appreciable influence. M. Herriot is as ardently patriotic as M. Poincaré, but like Mr. MacDonald, he is probably a much better European. The elections of 1924, it is to be hoped, have marked the disappearance of most of that abnormal war psychology that has afflicted France during the last five years.

The month following May 11 witnessed a rapid succession of dramatic developments. The Poincaré cabinet held on until June 1, when it handed in its resignation on the day the new Chamber convened. Driven mainly by the Socialist element, the Left Bloc declared itself adamant in its refusal to accept any cabinet appointed by M. Millerand. Behind this defiant attitude lay the determination to restore the presidency to its proper constitutional sphere of nonpartisan impotence. Not only was the speech of M. Millerand at Evreux in December, when he seemed to ally himself definitely with the Nationalists, bitterly resented by the leaders of the Left, but the recall of M. Briand from Cannes in January, 1922, also lingered in their memories. So that, by the time the new Parliament met, a full-fledged constitutional crisis had developed. In the end, the valiant efforts of the President to remain at the Elysée came to naught. His resignation was presented to the two chambers on June 11. Two days later M. Gaston Doumergue, the jovial presiding officer of the Senate, was elevated to the presidency of the republic by a vote of 515 to 309 in the National Assembly, M. Painlevé, the official candidate of the Left Bloc, being defeated by a combination of the Right and most of the senators of the Left. Immediately thereafter, M. Doumergue, France's first Protestant Chief of State, asked M. Herriot to form a cabinet, the composition of which was announced June 14, along with the promise of the new President that he would confine himself strictly to his constitutional powers. It is to be noted that while the Unified Socialists, numbering more than 100 deputies, agreed to support the Herriot

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regime, they refused to participate in the ministry. This, along with the ministry's doubtful strength in the Senate, constituted a menace to its "expectancy of life."

At the time of writing (June 19), M. Herriot has outlined to Parliament the new cabinet's program. For France internally, it embraces a comprehensive plan of social legislation, reform of the electoral law, reinstatement of the discharged railway workers, and an amnesty for political prisoners, including, doubtless, M. Caillaux. For the outside world, it promises recognition of Russia, withdrawal of the Vatican embassy, full-hearted acceptance of the Dawes report, evacuation of the Ruhr as soon as the agencies of control provided by the report are in full operation, and an increasing reliance on a League of Nations that will soon contain Russia and Germany in its fold. Were only the barest minimum of such a program realized before the shifting sands of French politics break through, the 1924 elections might in the end merit the caption given them recently by the New York *Nation*: "The French Revolution—1924." Then France would really be "her old self again."

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LATIN AMERICA IN 1923

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Surveying the political developments in Latin America during the year 1923, it is apparent at the outset that more importance and interest attach to international developments than to purely internal developments in any of the twenty countries comprised within the generic term, Latin America. This would probably be the normal case in any year, especially from the point of view of North American students of Latin American affairs, but the condition is accentuated even more for the year under review because of a number of outstanding developments in the field of international relations, such as the Fifth Pan-American Conference at Santiago, Chile, the Central American Conference at Washington, the Arbitration by the President of the United States of the controversy between Peru and Chile over the Tacna-Arica question, and the official restatements of the Monroe Doctrine called forth by the hundredth anniversary of its promulgation. Attention will first be directed, therefore, to these and other developments of an international character, and brief mention will then be made of some of the more important events of an internal nature in some of the Latin American countries.

The Fifth Pan-American Conference. Comments on the Fifth Pan-American Conference which met at Santiago, Chile, from March 25 to May 4, 1923 have varied all the way from enthusiastic eulogies pronouncing it to have been the greatest step in advance yet taken toward a real Pan-Americanism to pessimistic pronouncements that its failure has demonstrated clearly the futility of such gatherings. This difference of opinion, so far as it did not result from pure ignorance or prejudice for or against such undertakings, in general, on the part of those praising or condemning the Conference, was caused by differing conceptions as to what should or could be accomplished by such conferences.

The most objective way of measuring the results of the Conference would be to examine the agenda approved beforehand by the partici-

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pating states, and then to record the action of the Conference on each of the matters under consideration. But such a method of approach, aside from necessitating a more detailed exposition than space permits, would after all give not only a partial but also a misleading impression of the Conference as a whole. For, with respect to a number of the matters that were on the agenda, no one expected final action of any kind, the object of a full and free discussion of the divergent points of view involved being in itself an end rather than a means, so far as this particular gathering was concerned.

Inasmuch, however, as the very extensiveness of the approved agenda was one of the characteristics that distinguished this Fifth Pan-American Conference from those that had gone before, it may be pointed out there were no less than eighteen different subjects for consideration. Many of these related to questions of coöperation in commerce, public health, and education. Others related to the question of closer political relations between the Pan-American countries, involving such matters as an American League of Nations, reorganization of the Pan-American Union, and compulsory arbitration. Finally, one matter of special importance on the program was the question of the limitation of naval armaments, as between Argentina, Brazil, and Chile.

The Conference was unfortunate in having no representation from Mexico, Peru, and Bolivia. Mexico abstained from sending representatives on the ground that, inasmuch as the Obregon government had not been recognized by the United States, Mexico had no representation on the governing board of the Pan-American Union and could not properly participate in a conference organized by that body. This was one of the factors that led to a reorganization of the Pan-American Union governing board by a provision for special representatives on that board from countries which might have no accredited diplomatic representatives at Washington.

Peru refused the Chilean invitation on the ground of alleged mistreatment of Peruvian citizens in Chile, and Bolivia refused to participate because Chile had been unwilling to consider Bolivia's claims to a Pacific port in connection with the settlement of the Peruvian-Chilean controversy over Tacna and Arica.

The Conference was divided into eight committees as follows; political, juridical, health, communications, commerce, agriculture, limitation of armaments, education. Each of the eighteen countries had a representative on each of the eight committees and the real business

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of the Conference was done in these committees; in the case of the most important of the committees, or at least those arousing the most popular interest, unfortunately behind closed doors. The net tangible results of the Conference were incorporated in four conventions and some seventy-three resolutions, chiefly on topics assigned to the committees on public health, communications, commerce, agriculture, and education.

In the field of inter-American relations, the one tangible accomplishment was the adoption of a convention proposed by Dr. Gondra of Paraguay whereby the republics of this hemisphere agreed to refrain from any acts of hostility or preparation for hostilities in case of disputes not capable of being settled by diplomacy or arbitration, until after a period allowing for investigation by permanent commissions of inquiry.

One subject that aroused a great deal of discussion both within and without the Conference was the question of reorganization of the Pan-American Union at Washington. With the Secretary of State of the United States as permanent president of the governing board of the Pan-American Union, and with all Latin American states excluded from representation whenever for any reason they had no accredited diplomatic representatives at Washington, the preponderance of the United States in this Pan-American undertaking has long been felt by the Latin American states to be unduly great. Since the proposed changes which were adopted at the Santiago Conference, though approved finally by the United States delegation, were suggested by Latin American delegates and were made in the public press, at any rate, to cover criticism of the United States in refusing to recognize the government of President Obregon, this resolution was hailed by the critics of the United States. In reality, however, the increased scope of action and importance of the Pan-American Union, which the majority of the members of the Santiago Conference was very evidently anxious to further, could not be realized in any great measure without making the concessions demanded in the resolution adopted. In accordance with this resolution the governing board of the Pan-American Union, though ordinarily consisting of the diplomatic representatives of the Latin American states at Washington, together with the secretary of state of the United States, could comprise special representatives of states not having diplomatic representatives at Washington, and even in case of the temporary absence of

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such diplomatic representatives, special representatives might be appointed to the governing board. Moreover, the presidency of the governing board, instead of being *ex officio* in the secretary of state of the United States, should be made elective.

The Uruguayan proposal for an American League of Nations, though appearing on the agenda, was not actively pushed even by the Uruguayan delegation, and did not become the subject of action or even of serious discussion by the Conference, probably owing to the pronounced disinclination of the United States to have it taken up. In spite, however, of all efforts on the part of the United States delegation to prevent an injection of the Monroe Doctrine into the discussions, some of the delegations succeeded in paying their respects, not altogether of a respectful nature, to that inter-American bone of contention.

One phase of the Conference which has been most frequently pointed to by those who characterize it as a failure, was the inability to come to any conclusions on the question of disarmament. But, in reality, this involved from the outset only the possibility of an agreement on limitation of programs of naval construction as between Argentina, Brazil, and Chile. The rejection of the Brazilian proposal for a preliminary conference between these three countries, to be held in January for the purpose of clarifying the issues and preparing a concrete proposal, already foreshadowed the impossibility of coming to an agreement on such a fundamental matter in the short time available at the Santiago Conference.

From the point of view of the United States, as expressed by Secretary of State Hughes, the most fruitful work of these Pan-American Conferences is not to be found in emphasizing plans and purposes of a political nature, but rather along less sensational lines where there is a real progress in facilitating the interchanges of commerce and culture. The Latin American point of view, on the other hand, is to consider the political questions as fundamental and the commercial questions secondary. Naturally, therefore, the North American estimate of the success of this Conference is likely to be more enthusiastic than that of some of the Latin American states.

Finally, the Conference voted in favor of holding the next or sixth Pan-American Conference at Havana, Cuba, not later than five years after the Santiago Conference, with recommendations for a number of special conferences meanwhile. With the additional experience gained in the Santiago Conference, the first Pan-American Conference in

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thirteen years, there is every promise that with respect to both tangible and intangible results the Sixth Conference will mark still another step in advance in inter-American coöperation.

The Central American Conference. On February 7, 1923, there was held in the Hall of Americas of the Pan-American Union at Washington the final plenary session of the Central American Conference, convoked on the initiative of President Harding on December 4, 1922. The general object of the Conference was to discuss plans for the establishment of a permanent peace in Central America. Among the specific subjects for consideration, were the negotiation of a treaty supplementary to those resulting from a similar conference held in Washington in 1907, an agreement on the limitation of armaments, and the reëstablishment of the Central American Court of Justice.

The results of the labors of the Central American Conference were embodied in a treaty of peace and amity, eleven conventions, and three protocols. The treaty of peace and amity recognizes that the first duty of the Central American Republics is the maintenance of peace; declares that the violent or illegal alteration of the constitutional organization of any one of them is a menace to the peace of all; imposes the obligation on each of the five states in case of civil war in any of them not to intervene, and not to permit within its territory the organization of revolutionary movements against any other Central American state; and expressly forbids the entering into secret treaties.

Among the most important conventions were those reëstablishing the Central American Court of Justice and providing for the limitation of armaments. The Washington Conference of 1907 had led to the establishment of a Central American Court of Justice to pass upon controversies arising between the different states. But when in 1917, its decision regarding the effects of the treaty of 1903 between Nicaragua and the United States was rejected by both of these countries, the already discredited tribunal received its *coup de grace* and was dissolved.

Of equal importance to the Central American Republics was the limitation of military and naval armaments. Honduras was spending 44.5 per cent of its very limited budget on military expenses, Guatemala 28.7 per cent and El Salvador 25.7 per cent, while Costa Rica was spending more than 10 per cent and only Nicaragua less than 10 per cent. Accordingly, the four other republics spending more than 10 per cent agreed to limit their standing armies to an aggregate

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of 16,400 for the next five years, varying from a maximum of 5,200 for Guatemala to 2,000 in the case of Costa Rica.

Other conventions related to the establishment of free trade among the Central American republics, the institution of international commissions of inquiry, uniform workmen's protective laws, uniformity in the requirements for the practice of the liberal professions, and extradition.

Costa Rica did not sign the free-trade convention, but all the others were signed by the representatives of the five powers, and the United States signed the convention regarding international commissions of inquiry and the Central American Court of Justice.

The formation of a Central American Federation, along the lines of the one agreed to by Guatemala, Honduras, and Salvador in 1921 and only frustrated at the last moment by the overthrow of President Herrera of Guatemala, though not upon the agenda of the Conference, was nevertheless advocated by Honduras and Salvador. A similar proposal in the Washington Conference of 1907, sponsored by Nicaragua and Honduras, was rejected by the other three states, but the agitation for such a federation has never died out since the year 1838 when the original Central American Federation was dissolved.

If the agreements entered into in the Central American Conference of 1923 are ratified and loyally executed, many of the advantages of an actual federation will be realized, while leaving each individual country entirely free to pursue its own program of internal development. The reduction in the intolerable burden of military expenditures, partly caused by the danger of interference in the internal politics of each country by its neighbors, an interference repeatedly experienced in the history of nearly all of them, will release badly-needed resources for internal development. The creation of a customs union establishing mutual free trade will remove another cause of friction, and the submission of interstate controversies to a central court will provide a regular and peaceable means of settling juridical questions. There remains as a useless and expensive feature, chiefly the quintuple cost of diplomatic and consular representation, where one unified service would suffice under a real federation of the Central American Republics. It is not impossible, however, that although the results of the most recent Central American Conference have attained some of the major advantages to be gained by the creation of a federation, and so in a sense have diminished the pressure exerted in its favor, they will prove in the course of actual operation to remove to an even

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greater extent the objections that have interfered up to the present with the consummation of a complete union.

Arbitration of the Tacna-Arica Controversy. Undoubtedly one of the major sources of friction in Latin American international relations, leaving out of account the questions in which the United States is involved, has been the thirty-year controversy between Peru and Chile over the final disposition to be made of the provinces of Tacna and Arica, occupied by Chile under the provisions of the Treaty of Ancon of 1883. Space does not permit of even a summary of the main points in the controversy, but suffice it to say that ever since 1894 when the ten-year period of occupation stipulated in the treaty had come to an end, exchange of diplomatic notes, severance of diplomatic relations, and even threatened hostilities marked the endless disputes between Chile and Peru over this question. Not merely did the controversy present all the disagreeable features of an international sore, but even the normal development of internal politics in the two countries was interfered with by this unsettled and apparently insoluble question.

It was with general approval, therefore, that President Harding early in 1922 invited the governments of both countries to send representatives to Washington to confer upon means of settling the controversy either by direct negotiations or by arbitration. After considerable discussion, Secretary Hughes proposed a formula which became the basis of a protocol adopted on July 15. This protocol provided that the President of the United States should decide by arbitration as to whether the plebiscite called for in the Treaty of Ancon should be carried out or not. If the decision is favorable, the President of the United States will determine the conditions under which the plebiscite will be carried out, the great question on which Chile and Peru could never agree. If the decision is unfavorable to a plebiscite, then the two countries shall resume direct negotiations with a proviso for requesting the good offices of the United States if no agreement can be reached.

This protocol was finally approved by the governments of Chile and Peru after much bitter opposition and danger of failure, in the fall of 1922, and in January 1923 President Harding was officially requested to act as arbiter. Originally September 13, 1923 was agreed upon as the final date for the submission by each country of its briefs. Then by mutual agreement, this period was extended to November 13, and each country is allowed three-months' time to examine and reply to

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the brief of the other. A further period is allowed for each country to reply to the objections raised by the other to its brief, after which three months are allowed the arbiter for a final decision.

The year 1923, therefore, witnessed the actual submission of this thorny question to arbitration by the President of the United States and the actual presentation of the briefs for each country. The decision will not be handed down until late in 1924, but the principal obstacle, that of having the question submitted to arbitration, has been definitely removed.

Other Inter-American Relations. Aside from its participation in the Santiago Conference, in the Central American Conference, and in the arbitration proceedings between Chile and Peru, the United States had other contacts with Latin American countries deserving of brief mention.

Chief among these, was the long-delayed recognition of the government of President Obregon of Mexico by the government of the United States on August 31. Space does not permit of entering upon a discussion of the merits of our policy of nonrecognition. Whatever may be said for or against it from the American point of view, it is well to record that not merely Mexico but Latin America generally saw in it another evidence of our high-handed policy toward Latin America in general and Mexico in particular, and especially of our tendency to exalt the gains of American mining and oil corporations above the sovereign rights of a sister American nation.

An agreement was signed on August 15 between the Mexican government and the American commissioners which was made the condition of recognition. Aside from the question of finances and mixed claims, the crux of the controversy revolved around the famous Article 27 respecting subsoil rights and the provisions of the Constitution of 1917 respecting agrarian holdings. Mexico specifically agreed that the provisions of the 1917 Constitution in these respects should not have retroactive effect on rights acquired prior to that date. This had, moreover, already been the interpretation put upon that article by the Supreme Court of Mexico.

Military occupation of Haiti continued, though to a less pronounced degree, throughout 1923, to the great displeasure of the Haitians and to the general disapproval of the rest of Latin America. Similarly the protracted delay in the final removal of all military forces of the United States from Santo Domingo caused much criticism. Secretary Hughes in his address on The Monroe Doctrine after a Hundred

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Years, before the American Bar Association on August 30, 1923, referred at some length to the situation in the Dominican Republic and Haiti, and although his explanation of the continued occupation of those countries by American military forces no doubt is generally accepted in the United States, to Latin Americans it is the fact, and not the explanation of the fact, that is important.

What the United States has gained in the closer relationships existing with Brazil as a result of the American Naval Mission, which arrived there just before the commencement of 1923 and is still active, has in a measure been lost in the irritation aroused by that same fact in the Argentine. The unreasonableness of that irritation does not diminish its reality, though a good part of the propaganda against the United States and Brazil in the Argentine seems to have emanated from the single source of the late Dr. Estanislao Zeballos, former minister of foreign affairs, who laid the failure of the disarmament proposals at the Santiago Conference at Brazil's door, chiefly because of the engagement of the American Naval Mission.

Presidential Elections. All of the more important countries of Latin America had either elected a president in 1922, as Brazil, Uruguay, and Argentina, or were scheduled to hold an election in 1924, as Chile, Peru, and Mexico. Only Salvador, Honduras, and Costa Rica, all in Central America, held elections for President in 1923.

On January 14 Salvador elected Alfonso Quinonez Molina president for a term of four years commencing on March 2. He was the candidate of the National Democratic party and was opposed by his brother Miguel Tomas Molina, candidate of the Constitutionalist party and former minister of the interior.

In Honduras the popular election for President was held October 28 to 30. There were three candidates in the field, two for the Liberal party and one for the Conservatives or National Democratic party. The two first were Dr. Juan Angel Arias and Dr. Policarpo Bonilla, while the latter was General Tiburcio Carias. As none of the three condidates appeared to have received an absolute majority of the votes, the choice under the constitution of Honduras devolves upon the Congress to select a president from among the three highest candidates. This situation so fraught with danger, particularly in a country whose political conditions are like those of Honduras, unfortunately worked out in the generally expected way,—a serious revolutionary disturbance which continued into the present year without any solution.

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In Costa Rica, likewise, there were three candidates in the field, ex-President Jimenez as a Republican, Alberto Echandi for the Agrarians, and General Volio as Reformista or Radical. Here, also, the three-cornered fight resulted in no candidate receiving a majority of the popular vote in the elections in the first week of December, throwing the selection into the Congress.

Perhaps it is the absence of presidential elections during 1923 that accounts for a like absence or at least an unusually small number of revolutionary disturbances in Latin America during that year. The most serious outbreak, that which began in Mexico in December 1923, when De la Huerta put himself at the head of the revolution against President Obregon, was certainly the direct result of a disagreement as to the candidacy for the presidency to be decided in 1924. Its progress, collapse, and probable results do not fall within the purview of this survey of events in 1923, but it looked for a while as though all the advances recorded under the Obregon administration were destined to be more than wiped out by this revolutionary outbreak. Neither Mexican nor American observers have been able to agree on the merits of the controversy. But practically every unbiased observer agrees that it would be difficult to picture anything which could be worse for the country than this renewed outbreak of revolutionary disturbances, however it might ultimately end.

Two other disturbances were quieted. In Paraguay a revolutionary disturbance, which had been dragging on for a year or more, finally died out; and in the southernmost state of Brazil, Rio Grande do Sul, an armed revolt against the state executive that began early in 1923 was finally settled.

Legislation. Of the mass of laws enacted by the legislatures and decrees promulgated by the executives of the twenty Latin American states during 1923, it is obviously not possible to give even a summary here. Even the budget laws for 1924, which in many cases reflect important changes in governmental and financial policies, cannot be considered. Only a few of the more important or more interesting legislative enactments can be referred to, and that only very briefly.

Of constitutional changes, those in Peru and Mexico may be specially noted. It must be remembered, however, that while the constitutions of all the Latin American states require some special procedure for amendment of their constitutions, only a very few of them are as difficult of amendment as are the federal and many of the state constitutions in the United States, and especially noticeable is the lack

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of a popular referendum of any sort. Moreover, in a considerable number of the Latin American states, the constitution itself expressly confers upon the legislature the power of "interpreting" the constitution. Hence, laws are not infrequently passed by the ordinary process of legislation, which are not recorded as constitutional amendments, though they are in effect amendments.

Of formal amendments, one of the most interesting is that adopted by the Congress of Peru on September 7, 1923, permitting the president to be reëlected for a second term immediately following his first term. The ineligibility of presidents for immediate reëlection is a very general feature of Latin American constitutions, inserted not merely on general principles but in many cases because of unfortunate experiences with the system of permitting immediate reëlection. The constitution of Peru, revised in 1919, contained this prohibition on reëlection. But President Leguía, desirous of serving another term after the expiration of his present term this year, succeeded in inducing the Congress to adopt this amendment in two successive years as required by the amending clause of the Constitution.

In Mexico, on the other hand, a half-dozen amendments to the constitution, duly enacted by the National Congress and ratified by the legislatures of fifteen states went into effect on November 15, 1923, enlarging the powers of the Permanent Commission of the National Congress over against the Executive.

Of ordinary legislation enacted during 1923 the most important was of a financial character, such as the establishment of national banking systems in Mexico and Colombia, patterned after the Federal Reserve system of the United States, Brazil having put a similar system into effect in 1922; or of a social character, such as the antitrust law and the law controlling the meat-packing industry in Argentina, the organization of the National Labor Council and the regulation of domestic service in Brazil, and regulations governing the allotment of lands in Mexico.

Of peculiar interest was the enactment in Brazil of the law governing the liberty of the press. This law, which was ardently championed by the administration in 1922 as a result largely of the pernicious activities of the Rio de Janeiro press prior to the military revolt of July 5, 1922, failed of passage in that year but became effective on November 2, 1923 as a result of legislation passed by the 1923 Congress. The law makes punishable by fine and imprisonment statements judged

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to be injurious to public officials or against heads of foreign governments or diplomatic representatives, statements divulging state secrets, articles tending to cause international misunderstandings, and anonymous articles. It also prohibits the printing of advertisements of drugs, medicines, or cures unless approved by the health department or reputable physicians.

Among the enactments causing the most comment in the United States was the so-called Tarafa Law approved by the President of Cuba on October 9, 1923. This law, designed to consolidate railways in Cuba and to designate specified ports for exports and imports, was violently objected to by American sugar interests as confiscatory and monopolistic, and though modified in some respects before final passage, was still opposed by the sugar interests.

Finally, may be mentioned the enactment of the first income-tax law in Chile, passed on December 29, 1923. This law provides for a 2 per cent tax on salaries and professional income above 2,400 pesos a year, a 3½ per cent tax on net profits in industry and commerce above the same sum, a 4½ per cent tax on securities, 5 per cent on income from certain mining operations, and 9 per cent on incomes from real estate.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Legislative Investigating Committees. The legislative investigating committees which are enumerated and described in this report were authorized by the different state legislatures during the years 1922 and 1923. Some have already submitted their reports and are mentioned at the end as a matter of record, while others are still continuing their investigations. The number of members on the committees, the amounts of the appropriation, if any, and the manner in which they are to conduct their investigations differ so widely that only a general statement will be given.

Educational Investigations. Four of the states have provided for educational investigations of one kind or another.

Illinois[1] provided for a reorganized commission to continue an investigation into the whole educational system of the state, both common schools and higher institutions of learning, and to report to the next session of the legislature with such recommendations as are in harmony with the educational requirements of the state and the most advanced educational thought.

Vermont[2] directed a special commission to investigate the status of the state agricultural college, its service and value to the people, and whether it is being conducted in accord with the provisions of the so-called Federal "Morrill Land Grant Act."

Alabama[3] provided for a joint legislative investigating committee. The committee is directed to secure such information and facts as will enable it to suggest necessary changes and to secure a practical and efficient educational system.

The Texas[4] survey commission is to determine the efficiency of the educational system, and to make recommendations for improvement to the governor and legislature.

Social Welfare. In Massachusetts a special commission authorized by the legislature is to consider the entire problem of old-age pensions

[1] Laws, 1923, p. 58.
[2] Laws, 1923, p. 263.
[3] Laws, 1923, p. 8.
[4] Laws, 1923, p. 258.

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and retirement allowances, making no distinction between retirement from public or private life.[5] All phases are to be thoroughly considered and the report submitted not later than January 7, 1925. Pennsylvania has made provision for two special commissions to consider certain classes of indigents. One[6] is to study the social conditions relating to blind people, and submit recommendations as to legislation and policies to make treatment, care, progress and welfare comparable with the most approved methods. The other[7] is to revise and consolidate the laws relating to children, especially the unfortunate classes. New Jersey[8] authorized the governor to appoint a committee to investigate the laws relating to children born out of wedlock. The committee is directed to draft such legislation as may properly provide for the recognition of these children. It is suggested that this legislation may conform to the uniform act passed by other states on this subject. Delaware[9] provided for a commission to investigate laws relating to minor children, and if thought advisable, to draft bills for new laws.

The Illinois[10] legislature directed the department of public welfare to make a survey of specially handicapped children and to consider medical, psychological and social viewpoints as well as ascertain the number, location and types of all. Ohio[11] authorized a legislative committee to make a thorough study of minimum-wage legislation, and report to the next session of the legislature the necessity of such legislation for Ohio.

Statute Revision. The legislature of New Hampshire[12] authorized the governor to appoint a committee to revise the public laws of the state, or enter into a contract with a corporation to do the work. Pennsylvania[13] continued three commissions on the revision of the statutes, each to report to the legislature of 1925. One commission is for the codification and revision of the laws relating to the poor, another for the revision of the banking laws, and the third, which was given two additional members, is for the revision of the penal code and criminal procedure. The conservation laws of Alabama[14] are to be examined and investigated by a joint legislative committee with instructions to

[5] Laws, 1923, p. 577.
[6] Laws, 1923, p. 276.
[7] Laws, 1923, p. 994.
[8] Laws, 1923, p. 531.
[9] Laws, 1923, p. 708.
[10] Laws, 1923, p. 151.
[11] Laws, 1923, p. 640.
[12] Laws, 1923, p. 52.
[13] Laws, 1923, pp. 1068, 303, 699.
[14] Laws, 1923, p. 75.

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report to the next legislature. In Oklahoma[15] a joint legislative committee, after an investigation, is authorized to recommend changes in the criminal code. Idaho[16] provided for an investigation of the banking system of the state, and authorized the committee to recommend, through the governor, to the next legislature, such amendments as it deems necessary or to submit for adoption a whole new code.

Taxation. Pennsylvania[17] created a commission to make a thorough investigation of all systems and methods of taxation in Pennsylvania and in other states, particularly with regard to the best methods of equitably and effectually reaching all property which should be taxed, and avoiding conflicts and duplications. Vermont[18] directed a commission to investigate the whole subject of taxation and report to the governor such recommendations as are considered best to remedy evils of the present system. Arizona[19] requested the corporation commission to ascertain and submit to the next legislature suggestions as to a fair and equitable tax on motor vehicles for construction and maintenance of highways. Oregon[20] invited the legislatures of Washington, Idaho and California to send committees to Salem to confer on the desirability of uniform laws as to an income tax and a tax on gasoline.

State Administration. Illinois[21] provided for an investigation of salaries, wages and other compensation paid to state employees and the submission of a plan to standardize them. Vermont[22] instructed a commission to investigate the departments of the state government and court expenses, and report to the governor the advisability of effecting greater economy in their administration. The legislature of Kansas[23] provided for a bi-partisan committee, from its own membership, to investigate any department or officer of the state government and report to the next session or to the attorney-general if it deems action by him advisable. Kansas[24] also authorized another committee to investigate the administration and disposition of the soldiers' adjusted compensation fund. Nevada[25] authorized a committee of legislators to make a survey of the judicial districts, with a view to reducing the number, and to report to the legislature of 1925.

[15] Laws, 1923, p. 487.
[16] Laws, 1923, p. 373.
[17] Laws, 1923, p. 750.
[18] Laws, 1923, p. 266.
[19] Laws, Spec. Session, 1922, p. 320.
[20] Laws, 1923, p. 505.
[21] Laws, 1923, p. 84.
[22] Laws, 1923, p. 264.
[23] Laws, 1923, p. 340.
[24] Laws, Spec. Session, 1923, p. 12.
[25] Laws, 1923, p. 400.

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Interstate Waterways and Boundaries. Six[26] state legislatures in 1923 created commissions for the investigation of the Great Lakes-St. Lawrence Deep Waterway project, or memorialized Congress to take such action as will make possible early completion of the project.

New Jersey[27] authorized the governor to appoint a committee to act jointly with similar committees of New York and Pennsylvania, to investigate and recommend a policy regarding the conservation, use and development of the Delaware River which would be for the best interests of the states.

Colorado[28] authorized a water commission to enter into agreement with like commissions, representing the states of New Mexico and Texas and the United States government, respecting the use, control and disposition of the waters of the Rio Grande. North Dakota[29] provided for delegates to a Missouri River conference, composed of representatives from North Dakota, South Dakota, Montana and the United States government, for the purpose of entering into an agreement respecting the utilization and disposition of the waters of the Missouri River.

The Oregon[30] legislature authorized a joint legislative committee to confer with a committee representing the state of Washington concerning legislation affecting the fishing industry on the Columbia River.

A boundary commission was created by the state of Iowa[31] to confer with a like commission representing Nebraska, to fix certain portions of the boundary line between the two states. Arizona[32] authorized a boundary commission to confer with a like body from California, to investigate and report the location of the common boundary between the two states.

Miscellaneous. Oregon[33] provided for a committee of citizens to confer with the proper officials from other northwestern states for the purpose of investigating the possibilities of securing for these states greater present-day returns from public-owned property.[34] Oregon[35]

[26] Montana Laws, 1923, p. 604; Illinois Laws, 1923, p. 25; Wisconsin Laws, 1923, p. 1058; Iowa Laws, 1923, p. 315; Wyoming Laws, 1923, p. 223; Indiana Laws, 1923, p. 374.

[27] Laws, 1923, p. 180.

[28] Laws, 1923, p. 702.

[29] Laws, 1923, p. 351.

[30] Laws, 1923, p. 505.

[31] Laws, 1923, p. 342.

[32] Laws, 1923, p. 73.

[33] Laws, 1923, p. 498.

[34] The federal government owns large tracts of land for one purpose or another, and the states in which these are situated lose large amounts of revenue on account of this land being removed from the tax duplicates, which places an

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further provided for a special commission to investigate the business and financial status of irrigation and drainage districts. Arizona[36] authorized the senate committee on banking and insurance to make an investigation of the banking situation in the state. The Texas prison committee,[37] a private association, was authorized by the Texas legislature to make a scientific survey of the prison system of the state. The Pennsylvania[38] legislature created a special commission to investigate the subject of consolidating cities, boroughs and townships within second-class counties.

Oklahoma created a special commission to investigate the exorbitant prices of building material.[39] South Carolina established a special commission of citizens to investigate the policies of land settlement in operation in the states of California, Wisconsin, North Carolina and elsewhere.[40]

The following committees have already completed their investigations and are mentioned here as a matter of record:

Statute Revision. (1) New York: A special commission[41] to examine the statutes and judicial decisions of the state and investigate any defects in the present law or its administration, to remove all anachronisms, and, in general, to bring the civil and criminal laws of the state in harmony with modern conditions; a commission[42] to examine the military law and regulations of the state and recommend legislation for the purpose of harmonizing the state and federal laws on the subject; and a third commission[43] to examine the general laws and proposed amendments, in order that they might be made to conform to the constitution, if a proposed amendment providing for home rule for cities and towns were adopted by the people.

(2) Massachusetts: A committee[44] to recommend revision of the laws relating to investments of savings banks and the laws affecting foreign banks. A special committee[45] to investigate the feasibility

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added burden on present-day property owners. To compensate them in some measure, the federal government has agreed to pay to the individual states a certain per cent from the sale of these lands when they are sold, or a certain per cent of the receipts if used for park purposes. As yet, the amount accruing to the states has been small but in future it will mean a great source of revenue.

[35] Laws, 1923, p. 499.
[36] Laws, 1923, p. 305.
[37] Laws, Special Sess., 1923, p. 134.
[38] Laws, 1923, p. 688.
[39] Laws, 1923, p. 494.
[40] Laws, 1923, p. 893.
[41] Laws, 1923, p. 875.
[42] *Ibid.*, p. 886.
[43] *Ibid.*, p. 881.
[44] Laws, 1922, p. 743.
[45] Laws, 1923, p. 574.

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of revising and clarifying the provisions relative to the imposition of penalties for violations of the criminal law.

(3) Maryland: A commission[46] appointed by the governor to study and revise the laws relating to children, continued for a period of two years.

(4) New Jersey:[47] A commission to revise the election laws, and to provide uniform rules and regulations for party organization.

Social Welfare. Massachusetts:[48] A special commission to investigate problems relating to prevention of unemployment, unemployment compensation, and minimum wages. The commission also investigated the operation and effect on industries and employees where a minimum wage has been established. After a thorough examination of all the phases of the subject, the commission was to draft any legislation that it deemed expedient. Another commission[49] was to investigate the desirability of providing by law for the relief of handicapped persons who are not blind. Oregon[50] provided for a commission to make an investigation of welfare problems handled by the county courts, and to recommend to the governor the most efficient method of coördinating and standardizing the work.

In 1922, Massachusetts authorized legislative committees to investigate: the opportunities and methods for higher education; the possibility of reducing or controlling municipal expenditures; the method of registering automobiles, and the feasibility of licensing persons engaged in the business of repairing automobiles; the sale and distribution of gasoline and to determine whether a monopoly has been established; the licensing of contractors and dealers in milk; the distribution of meat products and the advisability of establishing public slaughter houses; and the matter of placing in the state house a suitable memorial commemorating the service in the World War of units composed of Massachusetts soldiers. The governor was also requested to confer with other New England governors relative to a joint inquiry into the working of the scheme of daylight saving.[51]

In 1923, the same state provided for legislative investigating committees to consider:[52] jury service in the courts and the making of women eligible for service; the most feasible method of keeping the more important highways free of snow; the advisability of standardizing

[46] Laws, 1922, p. 1586.
[47] Laws, 1923, p. 703.
[48] Laws, 1922, p. 748.
[49] Laws, 1922, p. 752.
[50] Laws, 1923, p. 50.
[51] Laws, 1922, pp. 740, 743, 747, 736, 751, 742, 741, 749, 370.
[52] Laws, 1923, pp. 583, 565, 575, 586.

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municipal regulations relative to plumbing and drainage; the supervision and regulation of busses; the exemption from taxation of property devoted to public use but held by private institutions; and the advisability of relieving Spanish and World War veterans from contributing to the different pension systems of the state.

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Soldiers' Bonus. An article on the Soldiers' Bonus appeared in the REVIEW for August 1922, summarizing the developments up to that time. The present article is designed to trace briefly the developments during the past two years. Most of the bonus legislation during the legislative sessions of 1923 and 1924 was designed to render former laws more workable in their operation. A multitude of problems in the administration of the laws has apparently been encountered and supplementary legislation was thereby rendered imperative.

State Constitutional Amendments and Laws. Several constitutional amendments were adopted or are now pending which were found necessary to provide for the granting of a bonus. Votes on such amendments have been taken in California and Oklahoma. In 1921, California passed a law providing for the issuance of $10,000,000 of bonds to obtain the revenue necessary to carry on the work of the Veterans' Welfare Board and to enable the authorities to enforce the provisions of the Veterans' Farm and Home Purchase Act.[1] This act was submitted to the voters on Nov. 7, 1922, and was ratified.[2] At the same election an amendment to the constitution was submitted and adopted, which authorizes the use of state money and credit to aid veterans in the acquisition of farms or homes, and validated, legalized and adopted the welfare-board and farm and home-purchase acts.[3] The constitutional amendment in Oklahoma was submitted on June 5, 1923, and provides for a bonus of $50 per month for each month of service, for home aid, and $30 per month when a cash bonus is paid.[4] Several states, including Colorado, Montana and Oregon,[5] will submit bonus amendments to the voters on November 4, 1924. The Colorado amendment will authorize a bonus of $15 for each month of active service;[6] a proposed Pennsylvania amendment, $10 per month, not ex-

[1] Laws, 1921, p. 959 and 969.
[2] Laws, 1923, p. xcv.
[3] Laws, 1923, p. lxxxviii.
[4] Laws, 1923, p. 463.
[5] Laws, 1923, p. 500.
[6] Laws, 1923, p. 230.

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ceeding $200, and a bond issue of $35,000,000;[7] and the Montana amendment, $10 per month and a maximum of $200.[8]

The proposed referendum on the Maryland measure was not held, owing to the fact that the supreme court held the proposition invalid,[9] and the Iowa amendment was approved on November 7, 1922, by a vote of 383,335 to 195,898. In Kansas an act was passed providing for compensation, at the rate of $1 per day, for each day of service, to veterans of the Spanish American War, the Philippine Insurrection and the China Relief Expedition. A bond issue of $1,000,000 is included out of which to pay the proposed bonus. This question will be submitted to the voters on November 4, 1924.[10] The Kansas World War bonus law provides for the payment of $1 per day for each day of actual service;[11] creates a bond issue of $25,000,000;[12] establishes a board to administer the law;[13] and creates a board in each county to ascertain and adjust claims.[14]

Practically all of the laws passed dealing with the bonus are designed to make detailed amendments, to render the existing laws more workable. These amendments provide for the restriction and definition of the classes who are entitled to receive a bonus;[15] for the necessary court procedure when claims are disallowed;[16] for the preparation, registration, cancellation, advertisement and sale of bonds and the designation of depository banks;[17] extending the time for the filing of applications;[18] creating a fund to defray the preliminary expenses of the bonus;[19] and other miscellaneous amendments.[20]

Illinois made an appropriation of $55,000,000 for the payment of claims for bonus filed;[21] Kansas authorized an additional bond issue of

[7] Laws, 1923, p. 236 and 1121.
[8] Laws, 1923, p. 394.
[9] Laws, 1922, p. 990.
[10] Laws, 1923, p. 296.
[11] Laws, 1923, p. 296.
[12] Laws, 1923, p. 283.
[13] Laws, 1923, p. 285 and 286.
[14] Laws, 1923, p. 288.
[15] California Laws, 1923, p. 901; Kansas Laws, 1923, p. 285; Massachusetts Laws, 1923, p. 530; Ohio Laws, 1923, p. 47; Rhode Island Laws, 1923, p. 91; South Dakota Laws, 1923, p. 257 and 259.
[16] Kansas Laws, 1923, p. 289.
[17] Kansas Laws, 1923, p. 291, 292, 293.
[18] Maine Laws, 1923, p. 49; Massachusetts Laws, 1922, p. 264; New Jersey Laws, 1923, p. 36; Rhode Island Laws, 1922, p. 78.
[19] Kansas Laws, 1923, p. 295.
[20] California Laws, 1923, p. 911 and 902; Minnesota Laws, 1923, p. 442; Nebraska Laws, 1923, p. 311; Oregon Laws, 1923, p. 136; South Dakota Laws, 1923, p. 259; Washington Laws, 1923, p. 78 and 278; Wisconsin Laws, 1923, p. 235, 605 and 682.
[21] Laws, 1923, p. 92.

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$7,000,000;[22] Massachusetts appropriated $495,000 for the year 1922 and $447,000 for the year 1923 to reimburse cities and towns for military aid paid to soldiers and their families;[23] and Michigan appropriated $750,000 per year for the payment of bonus claims.[24]

Illinois[25] and Kansas[26] provided for the exemption of the bonus and bonus claims from attachment and execution. North Dakota authorized the board having charge of the bonus to purchase claims against the bonus fund;[27] and Rhode Island granted a bonus of $100 to every yeoman, resident in the state.[28]

Judicial Decisions on State Bonus Acts. As might have been anticipated, a large number of the soldier bonus acts have been assailed as violating certain provisions of the state constitutions, and as the constitutional provisions vary somewhat widely, the trend of the decisions has shown an equally wide divergence. Legislative acts were held invalid in California, Maryland, Montana, and New York; and upheld in Illinois, Iowa, Kansas, Minnesota, Missouri, Oregon and Washington. In Wisconsin one act was held void, and two others were sustained.

California. The Veterans' Welfare Bond Act of 1921 (Laws 1921, Ch. 578) was held to be in violation of Article IV, Section 31, of the constitution, which prohibits the making of a gift or loan of the credit of the state, in so far as it authorizes the use of the funds derived from the sale of bonds for the purchase of land to be sold on credit, and the purchase of personal property to carry on farming operations; but in so far as the act authorized the purchase of land to be sold at cost to veterans, its provisions were upheld on the theory that it is a devotion of public funds to a public purpose. The court also held that the act did not violate Article IV, Section 34, of the constitution, which provides that acts making appropriations, other than general appropriation acts, shall contain one item only; and that the act falls within the purview of Article XVI, Section 1, which limits the amount of indebtedness which may be created against the state.[29] The Veterans' Welfare Act (Laws 1921, Ch. 580) and the Veterans' Farm and Home Purchase Act (Laws 1921, Ch. 519) were both sustained as not constituting a debt within the prohibitory limits contemplated by Article XVI, Section 1, of the constitution.[30]

[22] Laws, 1923, p. 6.
[23] Laws, 1922, p. 92; Laws, 1923, p. 82.
[24] Laws, 1923, p. 100.
[25] Laws, 1923, p. 355.
[26] Laws, 1923, p. 296.
[27] Laws, 1923, p. 345.
[28] Laws, 1922, p. 78.
[29] Veterans' Welfare Board v. Jordan, 208 Pac. 284.
[30] Veterans' Welfare Board v. Riley, 206 Pac., 631.

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Illinois. The Illinois Soldiers' Compensation Act (Laws 1921, p. 66) was sustained throughout. It was held that the act does not violate Article IV, Section 19, of the constitution which prohibits the granting of extra compensation to public officers, agents, servants or contractors after the service has been rendered or the contract has been made, since a veteran does not stand in any of these relations; it is not invalid because Section 9 of the act provides that the bonus shall be paid in accordance with the provisions of the state finance act, since the provisions of one act may be incorporated in another by proper reference thereto; it does not violate Article IV, Section 12 requiring a separate yea and nay vote on each bill, since the act providing for the incurring of the debt and the levying of a tax is but one bill; nor Article II, Section 18, of the constitution concerning freedom of elections, since voters were obliged to vote either for or against the proposition; nor of Article IV, Section 16, prohibiting appropriations of money by private law; nor Article IV, Section 13, relative to the titles of acts; nor is the act invalid as not being based on either a moral or legal obligation on behalf of the state to the veterans who served the federal government.[31]

Iowa. The Iowa Soldiers' Bonus Act (Laws 1921, Ch. 332) was sustained throughout. It was held not in violation of Article III, Section 31, prohibiting extra compensation to officers, agents or contractors after the performance of the service or the execution of the contract, and providing that no money shall be paid on any claim, the subject matter of which has not been provided for by pre-existing laws; it is not in violation of Article VII, Section 5, relative to the contracting of state debts; it is not within the provision restraining the legislature from appropriating money to an individual or class except in the discharge of legal obligation; nor is the act invalid as contravening the constitutional inhibition aginst public taxation for private purposes[32].

Kansas. The Kansas act (Laws 1921, Ch. 255) was sustained in all particulars. It does not deny the equal protection of the laws; under Article XI, Sections 5–7, the state has the power to contract a debt for the purpose of paying the bonus, and any debt so contracted is for a public purpose; the act does not grant special privileges or immunities to any class.[33] In a separate decision, the acts subsequently passed to provide for the issuance of bonds to pay the soldiers' bonus (Laws 1923, Chs. 206, 207 and 239) were sustained. These acts were held not invalid because they had not been submitted to a vote of the electors,

[31] Hagler v. Small, 138 N. E. 849. [32] Grout v. Kendall, 192 N. W. 529.
[33] State v. Davis, 213 Pac., 171.

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as was Chapter 255 of the 1921 Laws or that they constituted an attempt to amend Chapter 255.[34]

Maryland. The Maryland Soldiers' Bonus Act (Laws 1922, Ch. 448) was held invalid since it was conditioned to become effective only after a favorable vote by the people. The general assembly, having had delegated to it the power to make laws, cannot validly redelegate that power to the people, nor can it prescribe a manner in which laws shall be passed different from that prescribed in the constitution.[35]

Minnesota. Both of the Minnesota laws providing for a soldiers' bonus (Laws Extra Session 1919, Ch. 49, and Laws 1921, Ch. 330) were sustained. The act of 1919 was held not to violate Article IX, Section 7, which forbids the state to contract any debt unless in time of war, nor Article IX, Section 1, prohibiting taxation for any other than a public purpose.[36] The act of 1921 which was assailed on the ground that it violated the equality provisions of the constitution, and the provision relative to the titles of acts, was sustained.[37]

Missouri. The Missouri law (Law Second Extra Session 1921, P. 6) was sustained as not in violation of Article IV, Section 44, of the constitution prohibiting the contraction of indebtedness in excess of the prescribed constitutional limitations.[38]

Montana. The Montana bonus law (Laws 1921, Ch. 162) was held invalid, as being in violation of Article XIII, Section 1, which prohibits gratuities and donations, of Article XII, Section 11, which forbids expenditures not for a public purpose and of Article V, Section 29, which prohibits expenditures not previously authorized by law.[39]

New York. The New York law (Laws 1920, Ch. 872) was held invalid under Article VII, Par. 1, since the bonus gives the credit of the state to soldiers, not to satisfy an obligation that the state owes them but as a gratuity.[40]

Oregon. The Oregon law (Laws 1921, Ch. 201) was sustained It is not invalid because not passed subsequent or pursuant to Article II-c of the Constitution.[41]

Pennsylvania. The proposed constitutional amendment has been held invalid, largely on the ground that it was not to be submitted at one of the four year intervals to which such amendments are limited in that state.

[34] State v. Davis, 217 Pac. 903.
[35] Brawner v. Curran, 119 Atl. 250.
[36] Gustafson v. Rhinow, 175 N. W.
[37] State v. Matsur, 193 N. W. 30. 193.
[38] Fahey v. Huckman, 237 S. W. 752.
[39] State v. Dixon, 213 Pac. 227.
[40] People v. Westchester Co. Nat. Bank of Pecksville, 132 N. E. 241.
[41] Boyd v. Olcott, 202 Pac., 431.

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Washington. The Washington law (Laws 1920, Ch. 1) was upheld. The act provides for the expenditure of money for a public purpose which may be raised by general taxation.[42] Section 1, which provides for payments to persons not entitled thereto, does not render the act inoperative as to those who are.[43]

Wisconsin. The Wisconsin soldiers' and sailors' civil relief act (Laws 1917, Ch. 409) was held void as conflicting with the Federal Soldiers' and Sailors' Civil Relief Act, although the court held that the law did not constitute an attempt on the part of the legislature to exercise the so-called war powers.[44] The soldiers' bonus act (Laws 1919, Ch. 667) was upheld in all respects. The power of Congress under Article I, Section 8 and 10 of the federal Constitution, to raise and support an army does not exclude state legislation such as the bonus act; the surtax imposed is not class legislation in violation of Article IV, Section 31, or Article VIII, Section 1, of the state constitution, in that the tax is imposed on a selected class of incomes; the three-mill tax is not open to the objection of inequality of burden, special legislation or want of equal protection of the laws; the legislature may enact laws, the taking effect of which will depend on a vote of the people.[45] The educational bonus act (Laws Special Session 1919, Ch. 5) was likewise sustained. It is not invalid as giving credit to individuals and incurring a state debt contrary to Article VIII, Section 34; it does not secure benefits to religious schools, since it provides only for a reimbursement of the costs, and therefore not for aid; nor is it unconstitutional on the ground that the beneficiaries were in the military service of the United States and not of the state.[46]

Federal Adjusted Compensation. The so-called federal adjusted compensation act, (H. R. 7959) which has been passed by the Sixty-eighth Congress, over the President's veto, provides for the payment of adjusted compensation to veterans of the World War in accordance with two distinctive plans, depending on the amount to which the veteran is entitled. According to the terms of the act, the amount of adjusted service credit to which a veteran is entitled will be computed by allowing the sum of $1.25 per day for each day of overseas service, and $1.00 per day for each day of home service, calculated in each case in excess of 60 days of service, in either the military

[42] State v. Clausen, 201 Pac. 30.
[43] Maximilien v. Clausen, 203 Pac. 379.
[44] Konkel v. State, 170 N. W. 715.
[45] State v. Johnson, 175 N. W. 589.
[46] State v. Johnson, 176 N. W. 224.

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or the naval forces of the United States, after April 5, 1917 and before July 1, 1919; but the aggregate amount of overseas credit which may accrue to a veteran can not exceed $625 and the aggregate amount of home credit can not exceed $500. If the amount of credit to which a veteran is entitled is $50 or less, the payment is to be made in one installment, in the nature of a cash payment, at any time after March 1, 1925; and if the credit to which a veteran is entitled is more than $50, he will receive an adjusted service certificate, comparable to a 20-year endowment life insurance policy, in such amount as his adjusted service credit, increased by 25 per cent, would purchase, at his age, if applied as a net single premium. Payments to holders of adjusted service certificates will be made in 10 installments, beginning March 1, 1925. Banks are permitted to make loans to holders of adjusted service certificates in any amount up to 90 per cent of the reserve value. An appropriation of $100,000,000 per annum is provided to discharge the obligations incurred by the government in granting the adjusted compensation.

CHARLES KETTLEBOROUGH.

Indiana Legislative Reference Bureau.

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JUDICIAL DECISIONS ON PUBLIC LAW

ROBERT E. CUSHMAN

Cornell University

Due Process of Law—Penalizing of Employer for Deducting from Wages of Employee Absent for Purpose of Voting. People v. Chicago, M. & St. P. Ry. Co. (Illinois, February 21, 1923, 138 N. E. 155). An Illinois statute provided that all employees might be absent from work not more than two hours on election days for the purpose of voting, and penalized any employer who deducted from their pay because of such absence. The defendant, upon conviction for violation of statute, alleged its unconstitutionality. The court found the statute invalid. It involved an arbitrary discrimination between employers of labor and others. It also deprived the employers of their property without due process of law. "So far as we know no court has ever decided in any case that it was the right of any citizen to be paid for the privilege of exercising his right to vote or to be paid by his employer for the time employed by him in the exercise of his right to vote." Furthermore the act is an unreasonable abridgment of the right to make contracts. It does not in any way relate to the health, morals, or safety of the employee and cannot be justified as an exercise of the police power of the state. Besides, no exercise of the police power can disregard the guarantees of the Fourteenth Amendment nor "override the demands of natural justice."

Ex Post Facto Law—Bill of Attainder—Previous Conviction of Crime as Disqualification for Public Office. Crampton v. O'Mara (Indiana, May 18, 1923, 139 N. E. 360). By Clause 3, Sec 7008 of the Indiana Statutes (Burns', 1914) it was made a ground of contest in an election to public office that the contestee "shall have been convicted of an infamous crime." An act of 1921 disqualified from holding public office any one convicted of any violation of the laws of the United States for which the sentence imposed exceeded six months imprisonment. The appellee was elected councilman in Terre Haute in November, 1921. In 1915 he had been convicted in the United States District

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Court of conspiring with others to deprive citizens of the right and privilege of voting at a general election, and he was sentenced to imprisonment for a year and a day. His election was contested upon the basis of the statutes above-quoted. He contended that the statutes were bills of attainder and *ex post facto* laws, relying upon the well-known case of Cummings v. Missouri (4 Wall. 277). The state supreme court, however, sustained the validity of the statutes in question and held him disqualified. Following the case of Hawker v. New York (170 U. S. 189) the court reasons that these acts were passed in the legitimate exercise of the power of the legislature to prescribe appropriate qualifications for public office. "The so-called right to hold public office is not a natural or inherent right," but a privilege which "the people, through their official agency, the legislature, may take away." . . . . "Because deprivation of civil privileges is used as a punishment, it does not follow that every deprivation is punishment in the sense of being *ex post facto*."

Freedom of Religion—Appropriation of Money for Sectarian Purposes—Purchase for School Library of King James Version of Bible. Evans v. Selma Union High School District (California, January 24, 1924, 222 Pac. 801). The plaintiff, a Roman catholic, sought to enjoin the purchase of twelve copies of the King James Version of the Bible for the high school library on the ground that it was in violation of the Political Code, Par. 1607, requiring school trustees to "exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan or denominational character." The court held the board's action not in violation of this provision. The statutes do not exclude religious books as such but only those which are controversial or partisan in tone and treatment. The fact that a book has not been approved by all religious sects does not make it sectarian for library purposes. No religion has won universal acceptance, and therefore no book of religion has. If it could be shown that the King James Version of the Bible was placed in school libraries to the exclusion of all other versions, then it might be claimed that it was used for sectarian instruction, but "if the Douai version and these other books [the Talmud, Koran, etc.] are not already in the library we have no right to assume that they will not be added thereto in the future. That such action would be legal and appropriate, we have no doubt."

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Freedom of Speech—Constitutionality of Ordinance Forbidding Printing or Distribution of Literature or Membership Cards of I. W. W. Ex parte Campbell (California, District Court of Appeals, Third District, October 31, 1923, 221 Pac. 952). An ordinance of the city of Eureka penalized the printing or distribution of membership cards or literature of the I. W. W. without reference to any actual criminal intent or purpose upon the part of that organization, or of the individual doing the act. The ordinance was held unconstitutional. "The legislative department clearly transcends its constitutional powers, when in the enactment of penal statutes, as in this case, it proceeds upon the theory that an essential element of a crime . . . may be assumed to exist without proof of its existence. . . . The alleged or claimed criminal or illegal purpose of the I. W. W. organization is an essential element of the crime, either of selling or distributing or circulating its literature . . . . and that is a question to be determined by a jury."

Impeachment of Governor—Jurisdiction of Courts to Review. State ex rel. Trapp v. Chambers (Oklahoma, November 7, 1923, 220 Pac. 890). The lower house of the Oklahoma legislature had filed articles of impeachment against Governor Walton and the senate had suspended him pending trial and had temporarily installed Trapp as governor. The district court had issued a temporary restraining order against Trapp, and a hearing had been set upon the question of making the injunction permanent. The present case arose upon application for a writ of prohibition to prevent the district court from interfering with Trapp and for an injunction to prevent similar interference upon the part of Walton. Both writs were issued by the Supreme Court. The only issue of importance was as to the meaning of the term impeachment, and whether it had been correctly construed by the senate to involve temporary suspension from office of the accused officer. Such an interpretation had been adopted by the legislature in an act passed in 1915. The court held that it was bound by this ruling inasmuch as it had been adopted by the senate, which had exclusive jurisdiction in the case. The judicial department is without authority to interfere, and since the governor, having been temporarily suspended, had become a mere private citizen, he could properly be restrained from interfering with the executive duties of the acting governor.

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Police Power—Due Process of Law—Penalizing Employer for Failure to Pay Wages Due Within Seventy-two Hours of Termination of Employment. State v. Martin (Indiana, April 17, 1923, 139 N. E. 282). The statute in question required all employers to pay wages due any employee within seventy-two hours of the termination of his employment. Upon failure to do so the employer becomes liable to the employee for each day of delay in a sum equal to the latter's daily wage, and also becomes guilty of a misdemeanor. This statute is held void as a denial of due process of law and of the equal protection of the law. In the opinion of the court the penalities are "so severe and oppressive as to be wholly disproportionate to the offense and obviously unreasonable."

Proportional Representation—Constitutionality of Cleveland Charter Provisions. Hile v. City of Cleveland (Ohio, March 6, 1923, 141 N. E. 35). Proportional representation was established in the city of Cleveland by an amendment to the city's home-rule charter, adopted in November, 1921. In this case the constitutionality of the system is sustained against a variety of attacks. In the first place it is held that the charter amendment did not violate the constitution of Ohio. It does not work the suspension of any law; it is not a delegation of the state's legislative power; nor does it enact a law of a general nature. It does not, in the second place, conflict with the state statutes. It is here pointed out that the home-rule amendment vests municipalities with all powers of local self-government, that is, "with the power to do acts not authorized by the statutes of Ohio so long as those acts come within the domain of local self-government." Thirdly, the amendment does not violate the Constitution of the United States. The allegation that a republican form of government has been done away with is dismissed as raising a political question. The contention that a new state had been established in Cleveland was disposed of by pointing out that the laws of Ohio are still in force in that municipality. The argument that the provision worked a denial of the equal protection of the laws was met by the statement that it is not necessary that all the cities of the state should be governed by the same charter, and that the "law established by this amendment applies equally to every citizen of Cleveland."

It is interesting to note that none of the arguments customarily urged against proportional representation and other forms of minority representation in other jurisdictions, such as the alleged denial of the right

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of the elector to vote in "all elections," seem to have been presented in this case. Certainly they did not receive any consideration from the court. This is the first opinion upon an important constitutional question to be written by Judge Florence Allen of the Supreme Court of Ohio.

Taxation—Public Purpose—Restoration of San Diego Mission. Frohliger v. Richardson (California, District Court of Appeals, First district, July 26, 1923, 218 Pac. 497). This was a tax-payer's action to enjoin the expenditure of $10,000 appropriated by the legislature of California to restore the San Diego Mission buildings. It was contended in defence of the appropriation that the restoration of these old buildings was of such historical and educational interest to the State as to constitute a public purpose, and that the ownership of the Mission by the Catholic Church is merely an incident. The court was unconvinced by this reasoning, however, and held the appropriation void. "We concede," said the court, "that the California missions are of historical and educational interest from a cultural and literary standpoint, but they approach no such classification as would make them the basis of the state's bounty, or the subject of legislative appropriation in the guise of the public interest, public good, or public welfare." Furthermore, the Catholic ownership of the mission is in itself of controlling importance and brings the appropriation within the prohibition of the state constitution against the appropriation of money for sectarian purposes.

Taxation—Public Purpose—State Appropriation to Replace Municipal Public Property Destroyed by Fire. Kinney v. City of Astoria (Oregon, July 31, 1923, 217 Pac. 840). In December, 1922, the City of Astoria was swept by fire causing losses to the amount of $11,000,000 including the municipal public buildings. The state legislature thereupon appropriated money to be used as a trust fund "for the purpose of aiding the city of Astoria in paying the interest and sinking fund upon an issue or issues of bonds . . . . to be used exclusively for rebuilding, reconstructing and replacing public property . . . which was destroyed by fire." In the present case the Supreme Court held that this appropriation of money was for a public purpose. "The purpose" said the court," "is not to assist the individuals who happen to be residents of Astoria; but the direct object is to aid a community as distinguished from individuals composing a community." This dis-

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tinguishes the case from Lowell v. Boston (111 Mass. 455) in which the loaning of state funds to individuals for rebuilding and replacing property destroyed by the great Boston fire was held unconstitutional. The court admitted that the funds of the state could not be diverted to a purpose which was purely local and which in no way subserved "the common interest and well-being of the people of the state;" but it declared that the fire had resulted in "a situation where the legislature could with especial propriety say that the people of the state at large have an interest in replacing the public property of Astoria so that the city can at the earliest possible moment completely and effectively perform its duties as one of the governmental agencies of the state."

Taxation—Public Purpose—Use of Public Funds for Erection of Memorial Hall to be Used Exclusively by Organizations of Veterans. Allied Architects Association v. Payne (California, November 30, 1923, 221 Pac. 209). The board of supervisors of the County of Los Angeles appropriated $500,000 for the erection of a "Victory Hall;" which, by the terms of the board's resolution "is at all times to be used exclusively as a meeting place for the use of patriotic, fraternal and benevolent associations, whose membership shall be composed only of veteran soldiers, sailors, and marines who have served the United States honorably in any of its wars, and to the exclusion of all persons not members of such associations." The county auditor refused to approve the plaintiff's claims for services in drawing plans for the building, alleging the unconstitutionality of the appropriation on the ground that it expended public money for purposes which were not public, and that it involved arbitrary discrimination. The court upheld the validity of the board's action. It held the money thus expended to be for a public purpose since it had for its object the promotion of patriotism which, in the words of the court, "is not only a public purpose but the most elemental of public purposes." If the building were to be used merely as a memorial, it would admittedly serve as a stimulus to patriotism; and so its utility "as a means for the promotion and promulgation of patriotic principles and practices" will be enhanced by the fact that it is for the use of "those who honorably served their country in her time of need."

The more difficult question of arbitrary discrimination involved is disposed of by a somewhat remarkable and not very convincing course of reasoning. In the first place the objection that the public generally is entirely excluded from the use of the building they have erected and

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paid for is met by the statement that "to permit the use of the hall by the people generally would be to permit it to be used necessarily at times for something other than the promotion of patriotism." The second and equally serious objection that the hall is not open to all veterans but only to such veterans as are members of associations or organizations is disposed of by pointing out that patriotism is more likely to be fostered by the use of the building by groups than by individual veterans and that any veterans who desired to use the hall could become eligible to do so by the simple expedient of forming an association among themselves. The case seems undoubtedly sound upon the question of public use; it seems clearly unsound upon the question of discrimination.

Veto Power—Governor's Power to Veto Items Does Not Include Power to Reduce Items. The Veto Case (Montana, January 11, 1924, 222 Pac. 428). This case does not involve a new question but adds another decision to the existing weight of authority upon a controversial issue of considerable interest. The governor of Montana, after the adjournment of the legislature, approved the general appropriation bill for the support of the state boards, commissions and departments, subject to the limitation of certain items which, in an accompanying memorandum, were scaled from ten to twenty per cent of the original amounts. A taxpayer's action raised the issue of the validity of the appropriation act under these circumstances. Two questions were involved. First, has the governor the power to reduce an item in an appropriation bill instead of vetoing it entirely? This the court answers in the negative. The veto is a negative, not a creative power, and under the doctrine of separation of powers "the governor may not exercise any creative legislative power whatever." To allow him to use his discretion in substituting in the bill an amount different from that specified by the legislature is to vest him with a function which belongs exclusively to the legislature. This has been the ruling in all the states in which the question has arisen save one, *i.e.*, Pennsylvania. In the case of Commonwealth v. Barnett (199 Pa. 161) the governor's power to scale items was upheld, but the majority of the court in that case were obviously influenced by the fact that the legislature "had passed what amounted to an omnibus bill thereby preventing the governor from vetoing items which would have appeared in the bill if it had been properly prepared." This situation did not arise in the present case.

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Nor was the governor without remedy, since he could veto the whole bill and call an extra legislative session.

The second question raised is as to the effect of this abortive veto upon the bill. In Montana, a bill which the adjournment of the legislature prevents the governor from returning can become law only upon his approval. Clearly if he had vetoed the entire bill it could not have become law. Was his qualified and partial approval of it sufficient to put it into operation? The court held that it was not. The measure to which he had given his approval was quite different from the one which the legislature had submitted to him. He had refused his assent to the legislature's bill, and under the constitution it could not, therefore, go into effect after the legislative adjournment.

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REPORT OF THE COMMITTEE ON POLITICAL RESEARCH

The work of the committee on political research was seriously handicapped during the year 1923 by a series of adverse happenings. Professor Fairlie was abroad during the greater part of the year. Professor King was made secretary of the Commonwealth of Pennsylvania, and his time and attention were absorbed by the pressing duties of that important position. Professor Crane was ill for a part of the year. Under these circumstances, it was impossible to make as much headway as would otherwise have been the case. Notwithstanding these difficulties, the committee has been able to carry out a part of the program outlined last year, and to indicate further lines of advance.

The general outline of the committee's report is as follows:

A report on the significance of psychology for the study of political science, by Professor Merriam.[1]

A report on political science in Great Britain, by Professor Fairlie.

A report on political science in France, by Professor W. R. Sharp.

The Conference on Political Research.

The Social Science Research Council.

Recommendations of the Committee.

POLITICAL SCIENCE IN GREAT BRITAIN

This brief sketch of the status of political science in Great Britain is based on personal observations and inquiries during the spring and summer of 1923. It was originally suggested that the inquiry deal with provisions for distinctly research activities in the political field; but it early seemed advisable to include with this some account of university and other systematic instruction in political science. In connection with research facilities, it will appear that much of the important provisions are furnished outside of the universities.

An examination of university catalogues soon discloses that in the matter of formal instruction in political science, the universities of Great Britain offer much less than the larger institutions, and even

[1] This report is printed separately in the present number of the *Review*.

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less than many of the smaller institutions, in the United States. The staff of instructors is small and the courses offered are meagre compared with that in American universities; and a member of one university faculty stated that the British universities were twenty-five years behind those of this country. Nevertheless important and valuable work is offered; and a number of those engaged in this work will rank above most of those in the United States.

Much the largest and most important work in political science in Great Britain is given in the London School of Economics and Political Science, one of the institutions in the loose federation organized as the University of London. Here there is an imposing schedule of courses in various branches of political science, offered by a numerous list of professors and instructors, some well-known in the United States, as Sidney Webb, Graham Wallas and H. J. Laski. Some of the faculty members are also engaged in public activities,—Mr. Webb and Mr. Lees Smith. A few come from other institutions,—as Professors Dickinson and Higgins from Cambridge University and Professor Cannan from Oxford University. Both of these groups give only part of their time to instruction and research at the London School of Economics and Political Science. Some foreign professors are now on the staff, as Professor Vauthier of France and Baron Merzendorff of Russia.

The subjects on which regular courses are offered include: constitutional law, international law, federal government, public administration, public finance, American government and political theories. In addition to the courses primarily for undergraduate students, there are seminars in international law, public administration and political science. For the B. A. Honors degree examination special fields are assigned for intensive study, those for 1922 being: French Constitutions and their Working, 1789–1847, The Unification of South Africa, and Constitutional Development in British India, 1858–1908.

This school is housed in a modern building, near the Kingsway and the law courts, in the heart of London, with some conveniences, but less than those in the larger American institutions. It has a good library of political science, but the quarters are restricted and crowded. The unrivalled collections of the British Museum library, a mile distant, are also available, but here too the physical arrangements for intensive research could be improved. The teaching staff have small offices; but their personal research and writing is for the most part

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done elsewhere. Many of the classes are given in the afternoon, and a large number of the students are employed in the public service.

In addition to the publications of the better-known members of the faculty, important studies have also been published by the younger teachers and advanced students. A small journal, *Economica*, is published three times a year, with articles on economic and political problems.

A short distance away, at the much older Kings College, now also a part of the University of London, a limited number of courses are given by Principal Ernest Barker, in Greek Political Theory, and by Professor Hearnshaw in Medieval Political Theory. These are open to students in the London School of Economics and Political Science and other institutions in the University of London.

At University College, near the British Museum, there is an important Institute of Historical Research, under the direction of Professor A. F. Pollard. But the instruction in political science is given by men from the institutions already mentioned.

At Oxford and Cambridge universities, both the teaching staff and the list of courses are much less than at the London School of Economics and Political Science. At Oxford, there are courses in constitutional history and constitutional law in the history school, in political philosophy in the humanistic school, and in international law and jurisprudence in the law school. But both past and present teachers include men of international reputation,—such as James Bryce, A. V. Dicey, Sir William Anson, W. G. S. Adams, A. J. Carlyle, J. A. R. Marriott and Sir Paul Vinogradoff.

Two factors help to explain the number and importance of the contributions to political thinking by the teachers at Oxford. One, which applies to most of the British universities, is the limited amount of formal instruction given by each teacher, and that usually by lectures, without the burden of examinations and other class routine. This leaves the professors more time for their own studies and reflection. A second contributing factor at Oxford is the fellowships of All Souls College. These are given to graduate students and to members of the faculty, giving the holders quarters and board in the college, and a monetary stipend, which in the case of the faculty members is in addition to their regular salary. Most of the prominent writers on political subjects at Oxford have been All Souls fellows.

At Cambridge, the requirements for the historical tripos include work in English constitutional history, international law, and political

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science. The requirements for the latter cover two groups. The first calls for the study of Aristotle's *Politics*, Hobbes *Leviathan*, Rousseau's *Social Contract*, a large part of the *Federalist* papers, Sidgwick's *Development of European Polity*, and Dicey's *Law of the Constitution*, with additional references, including Bryce's *American Commonwealth* and Lowell's *Government and Parties in Continental Europe*. The second group is based on Sidgwick's *Elements of Politics*, with a considerable list of other works, mainly by English and American writers (John Stuart Mill on *Liberty*, Bosanquet and Green on political philosophy, J. H. Holland, Graham Wallas, Woodrow Wilson and A. L. Lowell), but also including Treitschke's *Politics*. The most important teachers are G. L. Dickinson and A. P. Higgins. More technical legal work is given in the Law School.

Some important work in political science is also done at Edinburgh University. In the faculty of arts, besides work in general and constitutional history, there is a course in elementary politics, and two more advanced honors courses in political science,—one on the history of political thought since the reformation, and one on the modern state. Political science is one of the required subjects for the honors examinations in history and in economic science. In the faculty of law are courses on constitutional law and history, administrative law, public law (including jurisprudence and public international law) and civil (Roman) law.

At other British universities, less attention is given to political science; and what is done is usually by men engaged primarily in other subjects, as history or law. Professor D. G. Medley in constitutional history at Glasgow University is probably the most important teacher in political studies outside of those in the universities already mentioned.

A significant recent educational development in Great Britain has been the expansion of summer schools, both in connection with the regular universities, and also in special institutions. At a number of these work in political subjects is offered, including the following during the summer of 1923: At the Dunford Summer School (conducted by the London School of Economics and Political Science) courses were given in geography in relation to economics and political science, and on the Victorian age, the latter including as one of the major topics, Gladstone, Disraeli and Reform. At the Bangor Summer School (the University of North Wales) work was given in political science and public administration. Political science was in-

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cluded in the subjects offered at the summer classes at Bristol and Cambridge universities. Local and central government was a subject at the West Lancashire and Cheshire Summer School at Chester. Social philosophy and political theory were offered at the Yorkshire Summer School.[2]

An interesting feature of this development has been the summer schools conducted in connection with each of the three leading political parties, for the study of political problems. A Liberal summer school was held at Cambridge in 1922 and in 1923. The Unionist Education Association had a summer school at Holybrook House, Reading, at which, besides other subjects, there was a course in political philosophy. A Labor party summer school was conducted during the summer of 1923 at the fashionable summer resort of Scarborough.

Instruction at these summer classes is usually of a somewhat popular character, akin to extension courses; and there is little or nothing in the way of research studies. At the party schools, some of the prominent men of the various parties give lectures, and there is sometimes active discussion. At the Unionist school, the instruction was conducted more along the lines of university work by professional teachers.

In addition to the party summer schools, the three principal political party organizations also carry on a much more continuous and systematic work of popular education in political questions than in the United States, by means of publications of various sorts. Each of the three main parties issue an annual yearbook of political data, besides a more comprehensive campaign book at the time of parliamentary elections. The Liberal and Labor parties each publish a monthly party magazine; and each of the three parties issue a steady stream of pamphlets and leaflets, containing speeches made in and out of Parliament and other political discussions. The preparation of these publications requires a considerable permanent staff connected with the publication departments; and while the matter published is from a party viewpoint, it presents a good deal of substantial information and gives the party opinions from a responsible source. There is also a Labour Research Department, not directly connected with the official Labor party organization, which issues publications on political subjects; as do the Fabian Society and other organizations.

[2] A University Extension summer meeting is also held at Oxford, but no formal work in political science was given there in 1923.

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Another and distinctly nonpartisan organization making more scientific and more important contributions to the study of political problems is the Society for Comparative Legislation. Organized in 1894, this society has published, beginning in 1897, a valuable *Journal of Comparative Legislation*, extending its title and field in 1918 to the *Journal of Comparative Legislation and International Law*. One or two numbers each year present an extended summary of legislation in the various dominions and colonial possessions of the British Empire. The other numbers include numerous articles and shorter notes on constitutional and political developments throughout the world.

In 1914, a *Political Quarterly* began to appear, under the editorship of W. G. S. Adams of Oxford University, with articles, notes on political affairs and public administration, and book reviews. With the outbreak of the World War, however, its publication became irregular; and it was discontinued after the eighth number, in September, 1916, and has not been revived.

The first *British Year Book of International Law* was issued in 1920–21, and has been issued every year since that time, now under the auspices of the British Institute of International Law.

Still another new and also a nonpartisan organization which has undertaken the more scientific study of public questions with prospects of valuable research investigations is the Institute of Public Administration, organized during the year 1923. This is composed mainly of those in administrative and executive positions in the public service, both national and local; but also includes a number of university men engaged in the teaching and scientific study of public administration; and provision is also made for associates, who may be any persons employed in the public service. It was established as the result of conferences of the Society of Civil Servants, the National Association of Local Government Officials, and other specialized associations of national and municipal officials. It has for its aims: (a) the development of the civil service and other public services (both national and local), and (b) promotion of the study of public administration. Viscount Haldane, formerly Secretary of State for War and Lord Chancellor, is president; and the council includes Sir W. H. Beveridge and H. J. Laski of the London School of Economics and Sir Josiah Stamp.

In addition to the central organization regional groups are planned and are being formed at Birmingham, Manchester, Liverpool, Glas-

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gow, Belfast and other large towns. Research committees to investigate special problems are also proposed; and one has been set up, to consider civil service problems.

During the spring of 1923, the Institute held a series of meetings at the Old County Hall; and a course of lectures on the Business of Government was held at the London School of Economics. A summer conference was held at Trinity College, Cambridge, from July 27 to 31, on problems of local and central government, with sessions on finance, education, municipal problems and public servants. Among the chairmen and speakers at this conference were Lord Eustace Percy, parliamentary secretary of the ministry of health, Hon. Austen Chamberlain, Mr. Wm. Graham, M. P. and Sir Stanley Leathes, first civil service commissioner. A quarterly *Journal of Public Administration* has been established.

Probably the largest and most important research work in governmental problems in Great Britain has been that carried on by or in connection with government commissions and committees established from time to time for special purposes. The royal commissions on the poor law and on municipal corporations of nearly ninety years ago made extensive investigations and reports, which formed the basis for important legislative changes. Since then, there have been many other royal commissions, and also other departmental and parliamentary committees which have contributed valuable research reports, on which much constructive legislation has been based. A few of the more recent special agencies of this kind include: the royal commission on the income tax (1912), the royal commission on civil service, the speaker's conference on electoral reform (1917), the machinery of government committee (1918–19), of which Lord Haldane was chairman, the commission on London government, 1922, and the royal commission on local government, established in 1923.

Much of the research work done in connection with such commissions and committees is performed, not by the members of these bodies, but by permanent officials in the departments and in local governments, who present extended reports, which are made the basis of critical discussion before the commission. In other cases, such studies are prepared by the staff of the commission, who are likely to be persons assigned from one of the government departments. Thus, the royal commission on local government, appointed in 1923, began its work by receiving an elaborate report on recent developments in local government, by Mr. I. G. Gibbons, an assistant secretary of the min-

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istry of health. The original report was made the basis of detailed examination by the commission, which led to further explanations by Mr. Gibbons, and to the preparation of additional data requested by the members. Later, reports were received from local officials and representatives of organizations of local government officials, to be subject to the same scrutiny.

The quality of this sort of material is much enhanced by the high character and ability of the permanent officials, both in the national and local governments of Great Britain. It may also be noted, from personal experience, that these officials are willing to assist serious students from other countries in their search for data as to the practical operation of governmental institutions and methods in Great Britain. During the summer of 1923, interviews were held with officials in about a dozen departments; and in every case they were ready to give their own time in answering questions and furnishing explanations, as well as in arranging for the use of data and for attendance at official hearings and inquiries.

Mention should also be made of important research work by individuals, apart from their institutional activities. The analytical and critical writings of Bentham, Mill, Maine, Sidgwick and many others, well-known in this country, have been based on wide knowledge and research. Of outstanding importance, however, may be noted: (1) the comprehensive observations and studies of James Bryce, involving extensive travel in all parts of the world, which may be compared to that of Darwin in the field of biology; and (2) the highly intensive organized research, carried on under the direction of Sidney and Beatrice Webb, in the local institutions of England during the eighteenth century.

To summarize: Formal instruction in political science at the British universities is much less developed than in the United States; but more attention is being given to this field in several universities, especially in the London School of Economics and Political Science, and also in summer courses, and party organizations are more active in popular education on political matters than in the United States. Systematically organized research work in political science at the universities is even less developed; but the leading professors are less burdened with teaching work and have more opportunity for constructive writing. The Society for Comparative Legislation and the new Institute of Public Administration are important agencies for publi-

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cation and research in political problems. But the most important investigations in political subjects have been those of private individuals and those by governmental bodies and officials.

JOHN A. FAIRLIE.

POLITICAL SCIENCE IN FRANCE

The rich background of the study of political philosophy in France reaches back to the time of such celebrated names as Bodin, in the sixteenth century, and Montesquieu and Rousseau in the eighteenth century. But it was not until after the war of 1870, slightly more than fifty years ago, that any considerable attempt was made to develop systematized investigation in the field of governmental processes. What the three previous centuries had produced attached itself rather to philosophy and doctrine on the one hand, and to the technical study of law proper on the other.

It was under the impulsion of Émile Boutmy that a new curiosity for political inquiry led to the founding of the *École libre des sciences politiques* at Paris in 1872. Shortly after that the regular universities, in their faculties of law, began to inaugurate and develop specialized courses of instruction in public law and political economy; while the faculties of letters initiated a few courses in political and social geography and in the rather flexible domain of social phenomena. During the nineties this same movement led to the establishment of a number of private institutions, like the *Collège libre des Sciences sociales* and the *École des hautes Études sociales*, both of which announced as their object the study of social questions. The latter of these two institutions has since added a school of journalism.

It will be observed from these brief introductory remarks that the French, during the half century following the Franco-Prussian war, were more interested in problems social and economic in character than in purely political and administrative matters. This was undoubtedly true in so far as the newer and more significant developments in the agencies of research in the social sciences were concerned, although it ought to be noted by way of exception that there have been two strictly political or constitutional questions that have aroused the highest interest since 1910, namely, proportional representation and the movement for regionalism.

So much for the general background of this report, which is an attempt at evaluating in a general way the progress and tendencies

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in political research in France since the World War. In order to make such an estimate, it will be worth while to notice four aspects of the subject: First, what are the active agencies and instruments for scientific political inquiry in France today? Second, what specific phases of the broad field of government are receiving most attention and why? In the third place, what does the output of political research reveal with regard to the question of method? And finally, may we hazard any conclusion as to the underlying reasons for existing tendencies and as to probable developments in the immediate future?

The bulk of the writing on political subjects in France emanates, of course, from the fifteen faculties of law.[3] These faculties, though nominally under state control, actually are self-governed through a council of professors chosen by the whole membership of the faculty and appointed for three years by the minister of public instruction. In fact, the dean of each faculty is selected by this council, a procedure that would appear, no doubt, strikingly unorthodox to many American university authorities. One may largely discount, therefore, a suspicion that might suggest itself from the fact that state-control of universities tends sometimes to mean undue state-interference in education. There is little or no evidence that French nationalistic bias is any more pronounced than, for example, American, or that official interference in university instruction is any more considerable there than in the United States.

However this may be, the thing that does strike an American observer with peculiar force is that for the most part the members of the teaching staff in the French faculties of law are genuine specialists in their particular fields. They can and do specialize because they have a broad and thorough cultural training to start with and then are given surprisingly light teaching schedules, never lecturing more than four to six hours a week, even the youngest beginners among them. At Paris, for example, one finds four professors of international public law alone,[4] while it is more or less common for a provincial law faculty to have two or three men devoting themselves exclusively to the subject of constitutional law alone. Furthermore, the teaching staff is largely free from the burden of routine administrative work, such as numerous committee assignments, the giving of frequent

[3] All the seventeen French universities but Besançon and Clermont-Ferrand have law faculties.

[4] Renault, Laparadelle, Pillet and Piédelièvre.

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examinations, and excessive attention to scholastic records, most of which are handled by the administrative staff. At any rate, all these accessory matters remain clearly accessory in the French university system.

As it is a part of the curriculum of the law faculty, political science naturally shows a somewhat closer connection with law than it does in America. A candidate for the French doctorate has a choice between the juridical sciences and the economic and political sciences. If he chooses the latter, his two general oral examinations will cover eight fields as follows: on the political side, constitutional law and comparative government, the history of French public law, administrative law, and public international law; on the economic side, general economics, the history of economic doctrines, public finance, and either colonial or industrial legislation. His thesis may be written either on a political or on an economic subject. But, as a matter of fact, the vast majority of doctoral dissertations deal with some aspect of public law, constitutional, administrative, or international.[5]

For the sake of comparison with American conditions, it is interesting to note that in 1920 the total number of students in the fifteen faculties of law in France was about 14,000, a decrease of approximately 3,500 since 1914. Though the grand total of students in all faculties of the seventeen universities has increased from 40,000 to 45,000 during this six-year period, the law faculties have slightly lost ground. The number of doctoral students in political science represents, of course, only a very small fraction of the 14,000 total—probably four or five per cent only. During the three-year period from 1920 to 1923 there was published annually an average of thirty doctoral theses, and of these at least half were concerned, not with political science, but with economics. The average for the three years preceding the war ran about ten more per year. In other words, the output of political research in the form of theses, of which the quality in France as elsewhere ranges from mediocre to brilliant, is around fifteen to twenty monographs a year. A superficial perusal of these theses leaves one with the impression that their quality does not quite reach the high standards set by those of fifteen or twenty years ago. To this annual product in theses must be added the voluminous publications of the professors of public law, much of whose distinguished

[5] Preparation for the *licence*, a degree roughly equivalent to an American M. A., includes a thorough grounding in civil and criminal law and procedure, as well as in general economics and political science.

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writing appears in the form of exhaustive treatises, such as those of Duguit in constitutional law, Berthélemy in administrative law, and Bonfils in international law. Yet more specialized studies are not lacking; in fact, they probably are relatively greater in number in French political science than in American. As for shorter articles and reports, the caliber of French political and legal reviews is too well-known in America to require more than mere reference to them.

When one turns from the university faculties of law to semi-private educational institutions, like the *École libre des sciences politiques* at Paris, one naturally finds a considerably wider range of instruction as well as a somewhat different purpose underlying it. The *École libre* has kept largely to its original goal, that is, of preparing young men for the diplomatic and administrative services. It is not so much a school for research as a school for professional training. It offers a great variety of courses in political and social economy, international public and private law, diplomacy, the administrative sciences, public finance, and diplomatic history. Its instructional staff includes men of the highest distinction drawn not only from the universities, but from the upper ranks in political and administrative circles. Yet the work it does is not in the strict sense of the word research, however valuable it may be. The lecture method prevails, with little use of the seminar. The same situation is characteristic of the more cultural types of social science school at Paris, like the *École des hautes études sociales*, with courses in morals, social philosophy, and journalism, and the *Collège libre des sciences sociales*, with emphasis on social and political doctrine and theory. These schools all perform highly useful service from many standpoints, but one cannot fairly classify them as schools primarily for research. This fact has been emphasized to the writer by various American students attending one or more of these schools during the years 1920 to 1922.

If this, then, is the character of the academic institutions, the question naturally arises whether or not the French have developed other private or public organized agencies for political research. Here one comes into contact with a considerable number of organizations and societies that have as their chief object the collection and tabulation of documentary information for the use of the universities and the public. If we exclude from this generalization the Academy of Moral and Political Sciences, which forms a part of the Institute of France, and perhaps the Institute of International Law, which, though international, was founded through French initiative, the statement will

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hold true. Such, for example, is the principal purpose of the *Société de législation comparée*, founded in 1870, and of the *Société d'études législatives*, created more recently. Both of these organizations publish bulletins and *annuaires* containing the results of their investigations and proceedings. The *annuaire* of the *Société de législation comparée* comprises to date almost fifty volumes of exceedingly useful material for students of the subject of legislation. There is also in the Ministry of Justice a *Comité de législation étrangère* which translates and publishes all the latest legal codes of the more important countries.

Since the war, moreover, an interesting and significant movement has been under way of establishing in various European capitals French institutes. There is now one of these at Madrid and one at Prague, while at Warsaw a similar institute is in the process of foundation. At London the Institute of France has established a *Maison française* where French professors and students may group themselves while pursuing scientific investigations of one kind or another. In all of these establishments political science, of course, has its place. But, for the most part, they serve the material and social convenience of investigators rather than the conduct of specific types and projects of research.

The fact of the matter is that the French have not as yet gone very far along the lines of our bureau movement in America. One does not find in France, so far as the writer of this report has been able to discover, any agencies for research at all analogous to our bureaus for government research.[6] The French *fonctionnaires*, to be sure, are organized into *syndicats;* but these are mainly concerned with questions of salary and status and do not devote much if any attention to methods of improving the technique of administration, as, for example, does the Institute of Public Administration in England. After all, this situation need not occasion surprise. The French, in the domain of politics and science as well as in the domain of economic and social organization, are in many respects even more individualistic than the Anglo-Saxons. Coöperative activities in France have not been known to flourish, or at least not many of them, on a large scale. It has been only within the last few years that the coöperative movement in France has shown signs of a permanent and thorough growth, and this has been due, partly at least, to the impetus given by the war experience. In much the same way the trade-union movement

[6] The *Société de législation comparée* bears some analogy, of course, to our legislative reference bureaus.

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has lacked real practical virility, in spite of the notable theoretical and philosophical contributions that have been made by men like Georges Sorel and Maxime Leroy. Likewise, professional students of public law and politics usually work singly. Eminent professors do sometimes attract about them a group of students who will be influenced profoundly by the doctrine held by their "masters"; but organized coöperative research by university faculties of law in France is largely unknown. The peculiar qualities of the French mind, its fondness for lucid rationalizations, its apparent lacking of the genius for organization with other minds, tend to militate against the development of so-called bureau and seminar activities in political science or other fields of social investigation.[7] It is possible, moreover, that extensive attempts at research of this "syndicate" type might detract from the traditional outstanding qualities of French contributions to political thought and method.

That there is such a large volume of individual research is certainly not due, however, to the existing state of bibliographical facilities in France. Anyone who has attempted to do intensive and exhaustive reading in French libraries knows only too well the difficulties under which investigators in the social sciences labor, whether in Paris or in the provinces. In Paris, of course, there are libraries with superb general as well as special collections of materials. Besides the *Bibliothèque Nationale*, it suffices only to mention such remarkable special collections as those of the Chamber of Deputies, the Ministry of Foreign Affairs, the *Société de législation comparée*, the *École libre des sciences politiques* and the recently established *Bibliothèque de la Guerre*, to indicate how extensive are the bibliographical materials in Paris alone. But in nearly all of these collections modern library methods of indexing and cataloguing are just beginning to be used, if at all. The general catalogue, for instance, is complete in some cases only through half the alphabet. In one of the provincial university libraries, according to the statement of an American investigator, books have been and still are classified on the basis of size; and it has been the experience of the writer to realize again and again how impoverished many of these libraries are. When it comes to foreign periodicals and official documents and recent books in English, they are deplorably deficient.

[7] Mention ought to be made, however, of the excellent work done by certain parliamentary commissions, particularly with reference to the preparation of financial and proportional representation projects.

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To be sure, conditions are slowly improving in this respect, but much remains to be done before French library facilities, in the social-science field at least, can compare favorably with American or English facilities. This is particularly true with respect to making investigations in such subjects as public administration and popular control. One marvels sometimes at what a prodigious amount of creditable research is carried on by French political scientists under the handicap of such discouraging library conditions.[8]

Having surveyed the main agencies for political research as they appear to a foreign observer, we come now to the question of what they are doing; that is to say, with what phases of the broad field of government is French research chiefly concerned? This is not a query that is readily answered, for it is rather difficult to make a complete analysis, in brief space, of the product of all the types and projects of inquiry that have been going on in France since the war. It may be possible, however, to call attention to a few interesting facts in the remaining paragraphs.

In the first place, among the great number of lines of investigation, there emerges clearly the fact that the French are still most interested in the domain of law. Their magnificent contributions to the literature of constitutional law, in the works of Esmein and Duguit and Carré de Malberg; of administrative law, in the studies by Michoud and Hauriou and Jacquelin and Jèze; of international law, both private and public, in the contributions of Renault and Pillet and de Lapradelle and Valery,—if these were all, would be enough, doubtless, to place French public law ahead of all the other branches of French political inquiry. But one has only to analyze the titles of the doctoral theses published since the war to obtain a further corroboration of this fact. Out of 114 theses listed in the bibliographical index of the *Revue de Droit Public* from 1920 down to the fourth and last issue of 1923, some fifty-four deal with the field of French administrative law, and fifteen with some aspect of French constitutional law. It is true, of course, that into some of these dissertations political and economic elements inevitably enter; but the predominant approach and method of treatment is legalistic. During the three years 1912–1914 the proportion of legal subjects was even higher.[9]

[8] During the period following the war most of the libraries remained open only five or six hours a day and were often poorly heated.

[9] Seventy-three out of 123 theses in these three years dealt with French administration and administrative law alone.

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And to this proportion ought to be added a small number of studies in comparative and foreign government and constitutional law, chiefly the latter.

An examination of the articles contributed to the leading French scientific reviews shows a similar emphasis. Whether they deal nominally with internal or with foreign questions, it is not so much the actual operation of political institutions that they stress as it is either the juristic foundations or the legal philosophy of these institutions.

Yet law does not absorb by any means the entire interest of French students of government. Even though they are naturally, by reason of their national heritage and mental characteristics, much more interested, for example, in the legal aspect of administration than in its practical efficiency, one must also take into account the effect of the impact of sociological and economic ideas upon their innate juristic proclivities. Sociology was in its origin preëminently a French subject. With Comte it came into being, and under the guidance of such men as Durkheim and Tarde and Le Bon it has exerted an increasingly deeper influence upon French legal and political thought. The sociological jurisprudence developed by Duguit and his school has as its initial impetus the positivism of Comte and the "solidarism" of Durkheim.

Likewise, French economics has had a distinct influence upon emphasis in political research. Many of the publications pertaining to administrative law do in the end resolve themselves into studies of the effect of economic forces upon the working of administrative regulations, or vice versa. One feels this particularly in attending the special courses given in the law faculties in preparation for the doctorate in political and economic science, where the field of general economics and that of the history of economic thought bulk as large as, or larger than, the corresponding fields of general political science and the history of political ideas. This fact is shown again in the growing attention that is now being given to instruction and research in the domain of social and industrial legislation, not to mention, also, the new study of colonial administration that has developed as a result of the almost sudden realization by the French of the economic importance of their vast colonial empire. Public finance, too, has become, as a result of the war, an object of much investigation by students of politics as well as by economists properly speaking.

But what, Americans will ask, is being done in the field of politics itself? And what has been the effect of post-war French foreign policy

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upon the study of international affairs? At once, of course, it is apparent that the outburst of intense nationalism that followed 1914–1918 has been more or less reflected in the work of the university investigators and others in governmental research. Not a single doctoral thesis, so far as the writer has been able to ascertain, has been written since 1919 on any aspect of international relations except on questions arising directly or indirectly out of the provisions of the Treaty of Versailles. On the latter type of problem, such as reparations, the government of the Saar, and inter-allied military control of Germany, some thirteen dissertations had appeared down to September, 1923. It would seem that international politics is being largely avoided by those who guide French graduate students in their investigations, though there has been, of course, no end of articles by French professors in the periodicals defending the French policy toward Germany. And certainly one does not find any very pronounced protest against this policy in the latest editions of more important treatises on constitutional law and government that have appeared since the war. Through them all runs the note that "strict justice" must and will prevail, regardless of the ultimate effect upon Europe as a whole.

In the field of French internal politics, however, one does note an increasing tendency not only to apply the scientific attitude of mind, but to give attention to two hitherto largely neglected subjects: political parties and elections and the technique of public administration. Formerly almost no space was devoted to these subjects in French books on government, much to the regret of American students. In fact, before the war most professional students of public law in France, and today many of them, regarded *la politique* as something beneath the notice of a social scientist, as something not important enough to be studied, as one would study for instance, the relations of the Senate and Chamber of Deputies, or the question of decentralization. But during the last few years woman suffrage, the obligatory vote, proportional and functional representation, and even the operation of public opinion have become fairly frequent topics for investigation. As yet, the results of the few studies in these fields have been very fragmentary; but they do herald what may develop when the results of psychological research are really turned to by the political scientists and applied by them to the study of political processes.[10]

[10] The great educational value of frequent party conferences is shown in the high plane of public discussion of constitutional and economic reform that has been going on since the war.

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With regard to the problem of administrative technique, it was not until the full effect of the syndicalist attack on the state had almost spent itself that many investigators in the field of government awoke to the supreme importance of administration in the success of any democratic system. The publication of that series of brilliant studies by Maxime Leroy and the notable book by Joseph Barthélemy on *Le Problème de la compétence dans la démocratie*, which appeared in 1918, may be regarded as the forerunners of this attempt to build up a real science of public administration. Here, however, the French remain far behind the English and the Americans, as little as the latter have done.

It seems fairly clear, after this brief survey, what the outstanding tendencies are with regard to emphasis in French political science. A few sentences, therefore, will suffice to indicate the interaction of these tendencies and methods; for in a definite sense they do interact.

Until roughly fifty years ago, the *a priori*, or deductive, and the historical method marked nearly all that had been written in the field of constitutional law and politics. But as social theory and doctrine came to hold a relatively less important place in the output of political curiosity, the historical type of research, tempered by the use of the comparative method, became predominant. It has remained predominant, furthermore, to the present time. Yet one can also observe a wider and wider use of statistics. Vast collections of documentary materials have been made; various manuals and *annuaires* have been published, all of which are being utilized more and more extensively by the seekers after political truth. It can fairly be claimed, also, that French political scientists are making considerable use of the published results of economic and sociological research.[11] But they have not as yet, more than begun to ally to themselves the psychologists. It is this failure, undoubtedly, that differentiates French political science from English and American as much as anything else, unless it be the almost total nonuse of the local survey in France. On the whole, however, there probably is no doubt that from the standpoint of general scholarship and thoroughness, the level of French political research measures up to that of any other country; certainly it is nowhere excelled in clearness of form and style and in logical arrangement.

[11] Law and sociology combine in the methodology of Duguit, as they do in that of men like Pound in America.

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To summarize, finally, the conclusions suggested by this impressionistic sketch, we may risk, perhaps, the formulation of five definite statements:

1. That as to facilities and agencies for political research the French have admirable and ample human equipment, but that it works almost entirely as individuals and is handicapped in many phases of the field by poor and inadequate material facilities. This, incidentally, is somewhat the reverse of conditions in American political science.

2. That French political science has a closer relationship with law and economics than has either English or American, a situation that probably is an advantage for the law, but in some respects may be a disadvantage for the best kind of study of political institutions and processes.

3. That systematized study of administrative technique in government, and of the party system and public opinion has been until quite recently almost unknown in France, but that the war has given a decided impetus to the exploration of these rich and suggestive fields.

4. That while under normal conditions official interference in university instruction in social science is no more evident in France than in Anglo-Saxon countries, the aftermath of the war has led to a greater nationalistic bias than formerly in projects for political research and in the tone of contemporary periodical literature on research subjects.

5. That French political science, at present, uses chiefly the historical and comparative methods, but that it seems likely that statistics and psychology will tend to receive greater and greater use as a means of making objective tests, at least if existing developments accurately point the way for the immediate future.

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THE CONFERENCE ON POLITICAL RESEARCH

In its report of 1922 the Research Committee recommended "The holding of an annual institute of political science for the detailed consideration of political methods and for the detailed examination of a few selected topics in the field of government." This recommendation was made with the idea that only in this way could time and energy be found for the thoroughgoing analysis of fundamentals of political science.

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No official action was taken upon this recommendation either by the Council or by the Association, but at the close of the Association's business meeting an informal group of persons interested in political research organized a steering committee and proceeded to call a conference of the kind recommended by the research committee in its report. This committee consisted of Professor Arnold B. Hall of the University of Wisconsin, Chairman; Professor A. N. Holcombe of Harvard University; Dr. Luther Gulick, Director of the Institute of Public Administration; Dr. F. P. Gruenberg, Director of the Philadelphia Bureau of Municipal Research and Chairman of the Government Research Conference, and Professor Charles E. Merriam of the University of Chicago.

The Conference was held at the University of Wisconsin on September 1 to 5, with approximately one hundred members in attendance. The entire session was devoted to the consideration of improvement of methods of political research, and was fruitful of results in this direction. The work of the Conference was divided into eight round tables as follows:

Psychology and Political Science, Chairman, Professor Charles E. Merriam.
Legislation, Chairman, Dr. H. W. Dodds.
Nominating Methods, Chairman, Professor Victor J. West.
Efficiency Ratings, Chairman, Dr. W. E. Mosher.
Municipal Statistics, Chairman, Dr. L. D. Upson.
Public Finance, Chairman, Dr. F. P. Gruenberg.
International Organization, Chairman, Professor Pittman B. Potter.
Public Law, Chairman, Professor E. S. Corwin.

These round tables met twice a day, and in the evening a general meeting was held at which the progress reports of a part of the round tables were presented. The procedure, findings and recommendations of these round tables have been printed elsewhere, and embody the work of the Conference. They will not be discussed in detail here. As this Conference was the direct outgrowth of the research committee's report, however, it is important to call attention to its significance, as an indication of increasing attention to improvement in the methods of political science and as an omen of notable progress in this direction in the future.[12]

[12] The second conference will be held at the University of Chicago, September 8 to 12, 1924.

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THE SOCIAL SCIENCE RESEARCH COUNCIL

Recommendation Number I of the research committee's report in 1922 provided for the establishment of a Social Science Research Committee.

It was the belief of the committee that the formation of such a council in which the various social sciences were represented would prove a powerful factor in the more adequate organization of social research and in the development of scientific methods in the social sciences. It is gratifying to report that this view has been shared by other groups in the field of the social studies and that the Social Science Research Council was formed with the following membership:[13]

American Economic Association: Professor Wesley C. Mitchell, Columbia University; Professor Horace Secrist, Northwestern University.

American Political Science Association: Professor Robert T. Crane, University of Michigan; Professor Charles E. Merriam, University of Chicago.

American Sociological Society: Professor J. L. Gillin, University of Wisconsin; Professor F. Stuart Chapin, University of Minnesota.

American Statistical Association: Professor W. F. Willcox, Cornell University; Professor E. E. Day, University of Michigan; Professor H. L. Rietz, University of Iowa.

The officers of the organization are:

President, Charles E. Merriam of the University of Chicago.

Secretary, Professor Horace Secrist of Northwestern University.

Invitations to join in the Council have been extended to the American Historical Association, the American Anthropological Society and the American Psychological Society, but have not thus far been accepted.

[13] As reorganized in 1924, the Social Science Research Council consists of the following members: *American Economic Association:* Professor John R. Commons, University of Wisconsin; Dr. J. P. Davis, Stanford University; Professor Horace Secrist, Northwestern University. *American Political Science Association* Professor Robert T. Crane, University of Michigan; Professor A. B. Hall, University of Wisconsin; Professor Charles E. Merriam, University of Chicago. *American Sociological Society:* Professor F. Stuart Chapin, University of Minnesota; Professor H. A. Miller, Oberlin College; Professor W. T. Ogburn, Columbia University. *American Statistical Association:* Professor E. E. Day, University of Michigan; Professor H. L. Reitz, State University of Iowa; Professor W. F. Willcox, Cornell University.

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Three meetings of the Council were held, in April, May and November, 1923.

The Council has concerned itself with the following projects:

I. A survey of the scope and method of existing social science research agencies upon which the following committee has been appointed: Professor Horace Secrist, Chairman, Northwestern University; Professor W. F. Ogburn, Columbia University; Professor J. T. Young, University of Pennsylvania; Professor H. L. Reitz, University of Iowa.

It is the belief of the Council that there is urgent need of a thoroughgoing survey of the most important agencies of social science research now in operation, whether these are academic, governmental, private foundations, or collateral to industrial and social agencies not primarily interested in research. In almost every community the number of fact-finding and analysing agencies in the social field is surprisingly large, and in the nation as a whole the total is a very significant one. Much of this material is unknown to other investigators and is often unused or duplicated. This mass of material might be uncovered and organized. More than that, the methods used in collecting data and in making social observations may in this manner be brought together and compared, so that advances in methods may be studied and knowledge of them disseminated widely. Valuable methods and devices may be in this way more widely and quickly made known, and from the constant study of comparative methods it is likely that new methods and practices may be developed.

It is the hope of the Council that an extensive survey of agencies and a search analysis of methods may be made as soon as adequate funds are obtained for that purpose.

II. An abstract of social science literature upon which the following committee has been appointed: Professors F. Stuart Chapin, Chairman, University of Minnesota; Davis R. Dewey; A. C. Hanford, Harvard University; W. F. Willcox, Cornell University.

For a number of years plans have been projected for the digesting of social science material and for the publication of a periodical bulletin dealing with social science material so analysed and indexed. In other sciences, notably in chemistry, this indexing has been admirably carried out, and constitutes a very valuable aid to students of the subject. In chemistry alone scores of indexers are employed at a large annual cost, but in return an efficient service is available to specialists in this field. In the social sciences as a whole there is

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no such finding list, although there are examples in some of the individual subjects as in the case of economics.

The Council believed that by coöperative effort it might be possible to undertake a system of indexing and to develop a plan which might be at the outset very simple but which might develop into a more elaborate organization. A copy of the proposed plan and alternative plans prepared by Professor Chapin is submitted herewith.

III. Publication of an annual index and digest of session laws, upon which the following committee has been appointed: Professor J. P. Chamberlain of Columbia, Chairman; Professor E. E. Day, University of Michigan; Professor H. P. Fairchild, New York University.

The purpose of this committee is to obtain the annual publication of an index and digest of state session laws through the agency of the Library of Congress. Since the discontinuance of the index and digest published by the New York State Library, there has been a lamentable lack in this field. Students of all branches of social science have been without a guide in the great field of state laws, except as indices have been provided in certain special fields by private or governmental enterprises. There is also considerable duplication in the work of indexing. There can be little doubt that the present sums now applied by the several indexing agencies would supply much more adequate, comprehensive, uniform and timely information than is now available, if the work were concentrated in the hands of some central body, and for this the Library of Congress seems to be the most suitable. With the coöperation of the large number of agencies interested in the use of these laws, it ought to be possible to obtain the preparation and the publication of this material by the national government.

IV. The study of human migration. During the year the National Research Council has instituted a study of human migration on a comprehensive scale never before attempted. This work has been divided into four divisions, anthropology, psychology, biology and sociology. The Council was asked informally to bring about the selection of representatives from the constituent associations to a conference on the plans for the social side of this inquiry. This was done and representatives attended a conference at Washington in March, 1923. The Council has not taken a formal part in the inquiry, however, down to this time, but a committee will be appointed for this purpose in the further development of the undertaking.[14]

[14] Since this report, the Social Science Council has been asked by the National Research Council Committee to form a committee on Human Migration, to consider the social aspects of the problem.

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The following specific recommendations are made by the Social Science Research Council to the several constituent associations for their concurrent action, if approved by them:

I. *Whereas* it is desirable to obtain active coöperation between the American Historical Association, the American Economic Association, the American Political Science Association, the American Sociological Society, and the American Statistical Association, for the purpose of promoting and coördinating teaching and research, for furthering the development of research methods in the social studies.

Resolved, that this Association authorizes the appointment by the president of each association of three representatives for a period of three years, one retiring each year, who shall constitute with similar representatives from any of the societies above-named a Social Science Research Council to carry out the purposes above-stated.

II. Whereas the scientific study of state legislation in the United States is seriously hampered by the lack of an adequate index and digest of the laws passed by the various states,

Therefore, Be it Resolved that the Social Science Research Council hereby petitions the Congress of the United States to make an appropriation adequate for the preparation and publication of an annual index and digest of state session laws through the agency of the Library of Congress.

It was believed by the Council that the appointment of three members will leave larger leeway in the choice of representatives, and the three-year term will give greater permanence, as well as continuity to the membership of the Council.

The other resolution proposed is designed to support the plan for the publication of an annual index and digest of state session laws under the direction of the Congressional Library. The united request of the social science students of the United States for such action will have some weight with Congress, and furthermore it is hoped that the coöperation of a considerable number of organizations also interested in the publication of such an index may be secured.

In the Social Science Research Council there has been set up an agency which might prove of great value in the organization of material in the social science field and in the improvement of methods in social studies. It is already realized by many students particularly in the fields of psychology and biology that their work cannot attain its full usefulness unless the social, economic and political implications of their sciences are equally well understood, and unless scientific

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method is followed in all the social sciences without exception. It seems at times as if the students of social science were more fearful of the possibility of developing more precise methods and results than our brethren who look at us from adjoining fields. The natural scientist is less bound by tradition and habit, and less willing to admit that there are fields in which science for some reason cannot or must not profit.

With steady effort on the part of our constituent organizations and with the generous coöperation of scientific colleagues in other domains of knowledge, it should be possible to advance the methods of social science materially in the near future. It is for this purpose that the Social Science Research Council has been formed and in this spirit that it will undertake the tasks that devolve upon it from time to time.

The establishment of the Council presupposes the existence of a common interest in social research, and a common advantage to be derived from consideration of social science material and methods. Obviously, this is not the task of a day, but of a long period of sustained effort and constructive thinking Its success will depend upon a genuine spirit of coöperation, upon contributions to advancement of scientific method, and demonstrated usefulness in the organization of the material of the social sciences. Already, there are many indications that the Council may serve this useful purpose in furthering the common interest of those who are concerned with the advancement of social science.

Whether the Council should undertake research directly is a question which must be left to the future for decision, but without regard to such undertakings, the Council stands ready to counsel or advise regarding large-scale enterprises in the field of social research. Individuals or institutions engaged in larger undertakings are at liberty to call upon the Council for advice regarding the scope or method of social investigation in the more significant inquiries. In this respect the Council may perhaps render to the social sciences the same type of service that the National Research Council gives to the other sciences, although the equipment available is not comparable at present. Yet, fundamentally, the spirit and purpose are the same, and the development of the work will show the need or value of such service. The number of persons engaged in some form of social research, the amounts of money expended, the significance of the inquiries to proc-

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ess, and the complexity and difficulty of many of the kinds of research would seem to justify the organization of some central agency for scientific counsel and conference.

RECOMMENDATIONS

The following recommendations are proposed by your committee:

I. Your committee recommends that provision be made for a thorough study of the relation of Political Science to Anthropology, Biology, Geography, Geology, Engineering and other allied subjects. It is not proposed to undertake all of these inquiries at once, but as rapidly as interested and capable persons may be found to devote the necessary time to the inquiry. This year a report has been made on "The Significance of Psychology for the Study of Political Science." It is hoped that within the next three or four years other allied fields may be covered, and in this way a thorough review will be had of the background and neighboring territory of Political Science.

II. Your committee recommends that it be authorized to give advice and counsel regarding large research projects either as to scope or method. It is believed that your committee might function effectively as an advisory body on important projects for political research. Possibly the consultants might be found among individuals, university authorities, government agencies, research foundations, or prospective donors to political inquiries. If given appropriate authority, the committee stands ready to give such advice and counsel as its time and resources will permit.

III. The committee proposes the formulaton of certain large-scale projects of political research as topics of inquiry that might usefully be made. These projects might be of interest either to students on the one hand or to possible donors on the other hand. The development of these plans is a part of the program for this year, but it was not found possible to execute this part of our original plan.

IV. It is recommended that the committee be authorized to list research projects now under way and in this manner serve as a clearing house for research plans. A survey of research and progress was made in 1922 but it is believed that this work should be made continuous so that a record may be always available of the chief inquiries in process.

V. The committee recommends that a sub-committee be appointed for the purpose of collaborating in the study of Human Migration now being undertaken by the National Research Council. Inevitably

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this inquiry will touch upon political and governmental aspects of migration and a proper committee should be available to formulate plans for the purpose of investigation in this field.

VI. Your committee recommends that a sub-committee be appointed to make a comprehensive survey of political statistics. This is one of the most significant fields in the domain of politics and it is believed that a thorough-going survey with constructive suggestions should be made at the earliest possible moment.

VII. Your committee recommends to the Association and to its program committee that provision be made in future meetings of the Association for a certain number of round tables or sections holding a series of sessions. The following Sections or others similar might be developed: Political Theory, Politics and Parties, Legislation, Public Administration, Public Law, International Relations, Municipal and Local Government, and Political Research with special reference to scientific methods.

It is recommended that provision be made for the organization of sections and a place on the program for conferences if a sufficient number of persons register for a certain section with the secretary of the Association. If a section is organized, by say fifteen or twenty members, there will be a certainty of interest and a community of purpose that should make such a group useful and successful. Such a section might hold a series of round tables every year or perhaps only occasionally as seemed most convenient.

VIII. Your committee recommends that joint sessions be held with the American Psychological Society or with some one of the national engineering societies. It is recommended that these joint sessions be brought about as soon as practicable, and that a joint meeting of the American Psychological Association be arranged, if possible, at the time of the next annual meeting of the association.

ROBERT T. CRANE
JOHN A. FAIRLIE
A. N. HOLCOMBE
CLYDE L. KING
CHARLES E. MERRIAM, *Chairman.*

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NEWS AND NOTES

Personal and Miscellaneous

EDITED BY FREDERIC A. OGG

University of Wisconsin

The program committee of the American Political Science Association has made arrangements for a series of round-tables at the Washington meeting in December, the object being to lend an element of continuity to the annual meetings, to encourage specialization and to promote scholarship in the various fields by helping to consolidate each group of special interests, to define problems, to suggest methods, to stimulate intensive discussion, and to encourage research. The round-tables will be conducted on much the same plan as the round-table conferences at the National Conference on the Science of Politics. The round-tables and leaders at Washington will be as follows: Political Parties and Elections, Professor Raymond L. Moley, Barnard College; Public Administration, W. F. Willoughby, Institute of Government Research; International Problems, Professor E. D. Dickinson, University, of Michigan; Comparative Government, Professor W. J. Shepard, Washington University; Politics and Psychology, Dr. L. L. Thurston, Bureau of Public Personnel Research, Washington, D. C. Members of the association who expect to attend the December meeting are urged to communicate with the chairmen of these round-tables in order that each may know, within limits, how large a group may be anticipated. Membership in the round-tables is open to all members of the association, and no restrictions are to be imposed upon participation in more than one round-table. It is supposed, however, that each round-table will consist primarily of persons whose special interests lie in the field which it covers.

Arrangements have also been made for a joint session with the American Psychological Association on the general topic of the psychological basis of conservatism and radicalism. Members of both associations will participate in the discussion. A joint session with Section K of the American Association for the Advancement of Science

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is also anticipated. The sessions will be held December 29, 30, and 31 at the New Willard Hotel.

Two former presidents of the American Political Science Association retired simultaneously from active professorships at Columbia University in June, namely, John Bassett Moore, Hamilton Fish Professor of International Law, and Munroe Smith, Bryce Professor of European Legal History.

Mr. Huger W. Jervey, a member of the legal firm of Satterlee, Canfield, and Stone, has been appointed dean of the Faculty of Law at Columbia University, in succession to Dean Harlan F. Stone, now Attorney General of the United States.

Professor W. W. Willoughby has in press (the Macmillan Company) a volume entitled *Fundamental Concepts of Public Law*. The work is in part based upon the lectures given by Professor Willoughby last winter as Tagore Law Professor at the University of Calcutta, India.

Hon. Roland S. Morris, former ambassador to Japan, has been appointed to a full professorship in the department of political science at the University of Pennsylvania. Mr. Morris is widely known for his successful efforts in strengthening friendly relations with Japan during the Wilson administration. He is a graduate of Princeton University and of the University of Pennsylvania Law School and a member of the Philadelphia Bar. His work will be chiefly with advanced and graduate students in international law and political science. He is to be assisted by Mr. Charles Chauncey Savage, Jr., of the Philadelphia Bar. Both Professor Morris and Mr. Savage have devoted special attention to international questions in their legal practice.

Mr. George E. G. Catlin, formerly lecturer in the University of Sheffield, has been appointed assistant professor of government at Cornell University.

Mr. R. S. Saby, assistant professor of government at Cornell University, has been appointed to the headship of the department of political science, economics, and business administration in Gettysburg College, Gettysburg, Pa.

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Mr. Harold Kumm, who received the degree of J.D. at Harvard in June, has been made assistant professor of political science at the University of Minnesota. He will give courses in constitutional law.

Mr. Henry N. Snow, a graduate student at Harvard University, has been appointed instructor in political science at Dartmouth College.

Mr. Norman L. Hill, who received the doctor's degree at the University of Wisconsin in June, has been appointed instructor in political science at Western Reserve University.

Professor V. K. Sugareff gave instruction in American government and modern European history in the summer session of the Agricultural and Mechanical College of Texas.

Professor Frederic H. Guild, of the University of Indiana, has been appointed to the headship of the department of political science at the University of Kansas.

Professor Geddes W. Rutherford, of Grinnell College, conducted courses in political science at Washington University, St. Louis, during the summer session.

Associate Professor J. C. Jones, on leave of absence from the University of Kentucky, pursued graduate work during the past year in the Robert Brookings Graduate School at Washington, D. C. He is writing a dissertation on "Defederalization in the United States."

Mr. John A. Tillema, who has completed his work for the doctorate in the Robert Brookings Graduate School, Washington, D. C., has accepted an appointment in political science at George Washington University. The subject of Mr. Tillema's dissertation was "The Influence of the Doctrine of Natural Law in American Government and Law."

Associate Professor Forrest R. Black, of Washington University, St. Louis, has been granted leave of absence for the year 1924–1925, and will pursue graduate studies in the Robert Brookings Graduate School at Washington, D. C.

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Dr. Walter R. Sharp has been promoted to assistant professor of political science at the University of Wisconsin.

Drs. H. S. Quigley, John M. Gaus, and Morris B. Lambie have been promoted to the rank of associate professor in the department of political science at the University of Minnesota.

Professor Lawrence H. Gipson, of Wabash College, has been appointed head of the department of history and government at Lehigh University. He will also be identified with the newly established Lehigh Institute of Research.

Professor Graham H. Stuart, of Stanford University, has been appointed by the Carnegie Institute of Washington to make an investigation of the political institutions of Peru. He is spending the last half of the current year in that country, and on his return will write a book on his observations, to be published by the Institute in its series on Latin American governments.

Dr. L. L. Thurston, of the Bureau of Public Personnel Research, Washington, D. C., has been appointed to an associate professorship of psychology in the University of Chicago.

Professors Jesse S. Reeves, of the University of Michigan, and Philip M. Brown, of Princeton University, delivered courses of lectures during the present summer at the Hague Academy of International Law. Professor Reeves' subject was "Principles of Public International Law: the Structure of the International Community"; Professor Brown's was "Settlement of International Disputes: Good Offices, Mediation, and Conciliation."

Professor Robert T. Crane, of the University of Michigan, is visiting Stanford University this summer as acting professor of political science. He is giving courses in world politics and in the history of political theory. Professor E. A. Cottrell, who is in residence at Stanford this summer, is offering courses in municipal administration and in the relation of government to industry.

The Fourth Annual Pacific Coast Conference on Community Leadership was held at Stanford University July 20–26 under the joint auspices

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of the department of political science and the California Association of Commercial Secretaries. Professor Cottrell was in charge of the conference, and lectures were delivered by John Ihlder and Chauncey D. Snow, of the Chamber of Commerce of the United States, and Mr. Charles H. Cheney, expert on city planning, in addition to various members of the university faculty.

Professor O. C. Hormell, of Bowdoin College, is giving courses in American history and municipal problems at the University of Illinois during the summer session.

Mr. Jacob Van Ek, instructor in political science at the State University of Iowa, goes to the University of Colorado next year as assistant professor of political science.

Mr. Jacob Van der Zee, associate professor of political science at the State University of Iowa, who has been on leave of absence, returns to the University in September.

Professor Pitman B. Potter, of the University of Wisconsin, gave courses in the summer session of Harvard University and will be on leave of absence during the first semester of the coming academic year. He will spend four months abroad in a study of aspects of international organization, and will visit and inspect American embassies and consulates.

The department of political science of the University of Illinois is offering a series of public lectures during the spring and fall on the general subject of "The Presidency."

Professor J. M. Mathews, of the University of Illinois, is giving courses in American government and constitutional law in the summer session of West Virginia University.

Professor Herbert F. Wright, of Georgetown University, has been elected a corresponding member of the Société de Législation Comparée and expects to submit reports from time to time on constitutional legislation and interpretation in America.

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The department of history and politics at Princeton University has been divided and a separate department of politics created. Professor Edward S. Corwin has been appointed chairman of the new department.

Mr. Walter L. Whittlessey has been promoted from instructor to assistant professor and Dr. Robert A. Mackay has been appointed instructor in the department of politics at Princeton University. Professor Dayton Voorhees, who has been abroad on leave of absence during the past year, will resume teaching at Princeton in September.

Professor Charles E. Merriam, of the University of Chicago, is spending the summer abroad, principally in Germany and Czechoslovakia.

Mr. Harold D. Lasswell becomes an instructor in the department of political science at the University of Chicago upon his return from a year's absence abroad in October. Mr. Lasswell has been studying the foundations of international public opinion.

The joint committee to represent the United States in respect to the International Congress of Public Administration is now complete except for the representatives of the National Assembly of Civil Service Commissioners. The committee consists of President E. C. Elliot and Secretary J. G. Stutz for the City Managers Association; Mr. Arch Mandell and Dr. L. D. Upson for the Governmental Research Conference; Dr. H. W. Dodds and Mr. Raymond V. Ingersoll, secretary of the New York City Club, for the National Municipal League; Professor A. R. Hatton and Professor Leonard D. White for the American Political Science Association.

The department of political science at the University of Chicago has completed the study of non-voting on which it has been at work for about a year. The results will soon be published by the University Press. The university has continued and enlarged the grant of money for the research activities of the social science departments. The research program of the political science department for the next year includes a study of citizenship, which will be under the immediate direction of Dr. Harold G. Gosnell; a further study of non-voting along the lines of control, which will likewise be under the direction of Dr.

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Gosnell; a study of the basis of morale in the Chicago municipal service, which will be under the direction of Professor Leonard D. White; and a study of municipal reporting and standardization, which will be under the direction of Professor Charles E. Merriam.

At the annual meeting of the committee on the Harris Political Science Prize Essay contest, held in Chicago on May 17, the prizes were awarded as follows: (1) First prize, $150, to Alan H. Monroe, Northwestern University, for an essay on "Proposed Modifications of the Power of the Supreme Court to Declare Laws Unconstitutional;" (2) second prize, $100, to Max Swiren, University of Chicago, for an essay on "Water and Oil Diplomacy;" (3) honorable mention, to C. Y. Shill, a Chinese student at the University of Minnesota, for an essay on "The Lansing-Ishii Agreement." This contest is open to undergraduates of the colleges and universities of Illinois, Wisconsin, Minnesota, Iowa, Indiana, and Michigan. The subjects from which contestants may choose in 1925 are as follows: (1) Relations of the United States and Latin America, with reference (a) to a particular phase, or (b) to a particular state or group of states; (2) Some phase of American-Japanese relations; (3) A World Court: either (a) the organization and workings of the Permanent Court of International Justice, or (b) the question of the adherence of the United States to the Permanent Court; (4) The problem of extra-territoriality with reference (a) to the Near East, or (b) to the Far East; (5) Policy and achievements of the British Labor government; (6) The protection of minorities under post-war settlements; (7) Recent developments and problems in representation, with reference (a) to a particular country, or (b) to a particular plan; (8) Congressional investigations, their methods, scope and limitations; (9) Relation of the state and national governments in the matter of (a) highways, (b) education, (c) health, or (d) agriculture; (10) State administration and control over local administration in a particular state, with reference to a specific field of government, such as (a) public utilities, (b) finance, (c) health, (d) education, or (e) police; (11) Problems of public personnel administration (national, state or local), such as (a) qualifications, selection, and tenure of civil service commissions, (b) organizations of public employees, (c) methods of selection; promotion, discipline, and removal or (d) classification; (12) State legislatures: the operation of (a) the bicameral system in a particular state, or (b) the committee system in a particular state; (13) State and local judicial reorganization;

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(14) Proposed modifications of the power of the courts to declare laws unconstitutional; (15) Methods of control in the operation of a budget system; (16) A study of the practical workings in a particular state of one of the following officers: (a) county boards, (b) justice of the peace, (c) local prosecuting attorney, (d) sheriff, (e) coroner, (f) county clerk, (g) auditor; (17) Third-party movements in the United States, 1920–1924; (18) Nominating systems in the United States; (a) direct primary (partisan or nonpartisan), (b) convention system, (c) petition; (19) Influence of nongovernmental agencies in (a) elections, or (b) formulating public policy; and (20) Some particular phase of city or regional planning.

At the annual meeting of the division of states relations of the National Research Council held in Washington on June 5, Professor Leonard D. White of the University of Chicago presented the results of a study which he has recently completed for this division of the Research Council upon "An Evaluation of the System of Central Financial Control of Research in State Governments." In his study Professor White compared the fiscal systems of the states of Illinois, Ohio, Wisconsin, and Massachusetts, with particular reference to the administration of the scientific boards and commissions of the state government. The topics considered included budget control, degree of itemization in the budget, use of a contingent fund, review of the vouchers, centralization of purchasing and printing, and control of travel, especially outside of the state.

Under resolutions adopted by the Second Pan-American Scientific Congress held in Washington in December, 1915, and January, 1916, the Third Pan-American Scientific Congress will meet in the city of Lima under the auspices of the government of Peru, beginning on Saturday, December 20. The Congress will continue in session for two weeks, and will be subdivided into the following sections: anthropology, history and related sciences; civics, mathematics and related sciences; mining, metallurgy, and applied chemistry; engineering; medicine and sanitation; biology, agriculture, and related sciences; private, public and international law; economics and sociology; education. The Congress will be composed of official delegates from the countries represented, representatives of universities and of scientific institutes and societies of American countries, citizens of American

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countries and foreigners residing therein, on invitation of the organization committee, and authors of papers submitted to the Congress.

Plans have been prepared for the establishment of a graduate school of international relations at Johns Hopkins University as a memorial to Walter H. Page. Sponsors of the project have started raising a million-dollar fund for the purpose, and the approval of the administrative authorities of Johns Hopkins has been secured. A large and representative board of trustees has been appointed.

The following round-table conferences, in addition to those indicated in the last issue of the REVIEW, have been planned for the current session of the Institute of Politics at Williamstown: Political Factors in Europe today, led by Professor S. B. Fay, of Smith College; the Work of the League of Nations, led by Sir James A. Salter, Geneva, Switzerland. The lecture courses are as follows: The reconstruction of Europe, its economic and political conditions, by M. Louis Aubert, Paris; the problems and policies of Czechoslovakia, by Eduard Benès, foreign minister of Czechoslovakia; the crisis of European diplomacy, by Moritz J. Bonn, of Berlin; and the history and policy of the British labor movement, by Richard H. Tawney, of London. Addresses are also announced by M. Jean Monnet, of Paris, and Sir James A. Salter, of Geneva.

The graduate school of economics and government of Washington University, located in Washington, D. C., has been rechristened The Robert Brookings Graduate School (Economics and Government). Additional buildings have been acquired for the year 1924–25, and the enrollment of the school will be between thirty-five and forty. Professor W. J. Shepard, who during the past year has been head of the department of political science at Washington University, St. Louis, will be permanently transferred to the graduate school in Washington, D. C. He will be succeeded at Washington University, St. Louis, by Professor Arnold J. Lien, formerly of the University of Colorado. Professor J. A. Hobson, the English economist, will conduct courses in the Graduate School during the first semester. A considerable number of short courses on special subjects will also be given by Joseph B. Eastman of the Interstate Commerce Commission; David Friday of the National Transportation Institute; C. O. Hardy of the Institute of Economics; Vernon Kellogg of the National Research

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Council; Willmott Lewis, Washington Correspondent for the London Times; Isador Lubin of the Institute of Economics; C. E. McGuire of the Institute of Economics; F. W. Powell of the Institute for Government Research; L. S. Rowe of the Pan American Union; Chauncey D. Snow of the United States Chamber of Commerce; F. G. Tryon of the United States Geological Survey; James Brown Scott of the Carnegie Endowment for International Peace; and others.

The spring meeting of the Social Science Research Council was held in Chicago on May 17. Reports of the various committees and conferences of the Council were submitted and discussed, including those of the Committee on Survey of Social Science Research Agencies, of which Professor Secrist is chairman; the committee on the publication of an annual digest of state laws, of which Professor Chamberlain is chairman; and the committee on abstracting social science periodicals, of which Professor Chapin is chairman. The Council also considered the report of the Conference on International News and Communication, held under the auspices of the Council in Washington on May 2. The plan (for the formation of which a gift of $2,500 has been made) contemplates "a thoroughly scientific and objective investigation of the instrumentalities involved in the world-wide collection and dissemination of current news and opinion of international concern and of the underlying and related problems of the formation, expression and significance of attitudes on international affairs." The following committee was appointed by the Council to take charge of the inquiry, for which financial support could probably be secured: Mr. Walter S. Rogers, *Chairman*, Dr. Franklin Adams, Professor Willard G. Bleyer, Mr. Bruce Bliven, Professor Jerome Davis, Dr. Edward F. Gay, Professor H. A. Miller, Professor Harold G. Moulton, Professor W. F. Ogburn, Dr. E. E. Slosson, Dean Walter Williams, and Professor George E. Wilson.

A Committee on the Scientific Aspects of Human Migration was also appointed as follows: Miss Edith Abbott, *Chairman*, Dr. W. C. Mitchell, Professor H. A. Miller, Professor John R. Commons, Professor R. C. Foerster, Professor John A. Fairlie, Professor Frederic A. Ogg, Professor Carl Wittke, Professor W. F. Ogburn, Dr. R. M. Yerkes, Dr. Clark Wissler, and Miss Mary Van Kleek.

This committee is to consider the social aspects of the migration problem and is to act in coöperation with a similar committee of the National Research Council. An appropriation of $15,500 for a

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study of the mechanization of industry in relation to migration has been made by the Laura Spelman Rockefeller Foundation. This project will be begun on July 1, under the auspices of the Bureau of Economic Research and in particular charge of Dr. Wesley C. Mitchell and Dr. Jerome Davis.

Prof. Edmund E. Day, of the University of Michigan, was elected treasurer of the Council, and fiscal organization and methods were outlined. Gifts of $20,500 have already been made for the work of the Council, and other funds amounting to as much more are in immediate prospect. A gift of $2,500 for general administration purposes has been received.

The Council appointed a committee to outline a plan for obtaining fellowships for post-doctorate work in the social sciences. Of this committee Professor A. B. Hall is chairman, and the other members are Professors John R. Commons and W. F. Ogburn.

The officers of the Council are: chairman, Professor Charles E. Merriam, University of Chicago; secretary, Professor Horace Secrist, Northwestern University; treasurer, Professor Edmund E. Day, University of Michigan.

Suggestions for the development of the work of the Council are invited by its members. The Council also stands ready to advise regarding any especially significant or large-scale project in the field of social research. The next meeting of the Council will be held in November.

Social Science Abstracts. Research in social science is hampered by the lack of indexes of abstracts of periodical literature. At the present time our research workers are far more handicapped than chemists or physicists, because scientists in these latter subjects have resort to such publications as "Chemical Abstracts" and "Science Abstracts," wherein are found, systematically indexed, careful abstracts covering the whole field. A research worker in these sciences can do his preliminary reading with convenience and expedition. In contrast, the social scientist who wants to exhaust the periodical literature on his subject cannot depend on the existing abstracts published in social science journals, however excellent these may be as individual pieces of work, since the existing abstracts do not fully cover the field. Consequently, he must supplement them by considerable reading from original articles and run the risk of missing something really important.

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In view of this situation the present statement has been prepared by the committee on social science abstracts of the Social Science Research Council. It is hoped that members of the social science societies, as well as any other interested persons, will study this statement, in order that they may be prepared to make suggestions to the chairmen of the committee at any time, and particularly to be prepared to take action on one of the alternative plans presented at the annual meetings of the social science societies next December.

At the present time the *American Political Science Review* and the *Journal of the American Statistical Association* do not print systematic abstracts of their literature. The *American Economic Review* has for some years printed brief abstracts. The *American Journal of Sociology* has since July, 1921, printed in each of its issues several pages of carefully classified abstracts. The original system of classification was enlarged in March, 1922, and since this time has comprised ten main headings and forty-eight subheadings. Since the abstract plan of the *American Journal of Sociology* is more complete than that of any of the other social science journals, the main headings are presented herewith, with the suggestion that the reader examine the complete classification with its subordinate headings, as it is found in Volume 19, pages 373–374, of the *American Journal of Sociology*. The existing classification is not final, nor have the methods of abstracting been yet perfected, but the scheme is serviceable. The main headings are as follows:

I. Personality: the Individual and the Person; II. The Family; III. Peoples and Cultural Groups; IV. Conflict and Accommodation Groups; V. Communities and Territorial Groups; VI. Social Institutions; VII. Social Science and the Social Process; VIII. Social Pathology: Personal and Social Disorganization; IX. Methods of Investigation; and X. General Sociology and Methodology of the Social Sciences.

The following alternative plans for improving the existing abstracts of social science are suggested for consideration by members of the social science societies. It is assumed that only articles containing the results of original research will be abstracted.

1. Independent and separate publication in bulletin form.

   a. Abstract service to be maintained jointly by membership dues from the social science societies, and published as a separate monthly bulletin. (The principles of editorial organization described under (2), *c*, below are understood to apply to this plan), or

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b. Abstract service to be maintained jointly by social science societies, with the cost of administration and publication met in whole or in part by a subsidy or grant of funds from some national foundation interested in social research. (The principles of editorial organization described under (2), *c*, below are understood to apply to this plan.)

c. Advantages of these plans

(*a*) The whole field of social science would be covered with approximate completeness so that cross-referencing would make accessible valuable leads from related fields—on which so much progress depends.

(*b*) Duplication in abstracting would be avoided, such as would exist if every journal abstracted independently for its own clientele.

(*c*) One large strong abstract journal could secure by exchange or purchase more current serial literature than could independent journals, and this would save duplicate subscriptions.

2. Abstract services of the social science journals continued as at present, but—

a. Present services enlarged to cover the field more intensively and comprehensively.

b. Methodology of abstracting systematized by acceptance of some mutually agreeable plan such as:

c. Acceptance of guidance over abstracting to be exerted by some central editorial body representative of the whole field.

(*a*) which formulates a methodology of abstracting to be generally used.

(*b*) to conform to some objective system of classification of subjects.

(*c*) cross-referencing,

(*d*) to avoid unnecessary duplication in printing.

(*e*) editing and abstracting paid.

d. Disadvantages of this plan as compared with (1) above.

(*a*) danger of duplication of abstracts of the same article in several journals. This is now a real difficulty in the abstracts of biological sciences.

(*b*) The field would be incompletely covered and cross-referencing incomplete.

(*c*) Current files of serial literature would not be as complete and there would be inevitable duplication of subscription costs.

3. Enlargement of the present abstract services and creation of new services in existing social science journals where needed

a. Organization

(*a*) editor-in-chief, four associate editors, one for each science, but unpaid.

(*b*) abstracting paid for by the page.

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b. Agreement on a common basis of classification of abstracts, each journal publishing in full all the abstracts relating to the field of its science and printing merely the scheme of classification of each of the other sciences, with a note referring the reader to these journals for full abstracts.

c. The disadvantages of this plan are all the faults of plan (2), but in greater degree.

It will be observed that the last plan is the least ambitious of the three, and perhaps in the present stage of development of the social sciences the most practicable. This last plan would leave to each of the journals the details of its own abstracting, since only a loose type of common editorial organization would exist. On the other hand, the plan has such serious objections that it could be at best but a temporary makeshift.

The cost of the alternative plans would vary and it is probable that the third plan would be the least expensive. In this connection, it may be of interest to note that the abstract editor of the *American Journal of Sociology* now prints galley-sheets of the abstracts of each issue. These may be had by all subscribers for $1.00 a year. The subscriber then cuts up the galleys and pastes the separate abstracts on filing cards. The cost of chemical abstracts which is published according to plan (1), *a*, is $6.80, per subscriber, with a subscribing membership of 13,000. The combined membership of the four social science associations is about 7,000.

F. STUART CHAPIN, Sociology, University of Minnesota, Chairman.
A. C. HANFORD, Political Science, Harvard University,
DAVIS R. DEWEY, Economics, Massachusetts Institute of Technology,
WALTER F. WILLCOX, Statistics, Cornell University.
Members of the Social Science Abstract Committee.

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BOOK REVIEWS

EDITED BY A. C. HANFORD

Harvard University

Representative Government. By HENRY JONES FORD. (New York: Henry Holt and Co. 1924. Pp. vii, 318.)

Men are naturally divided, it is said, in matters political into two groups, the conservatives and the radicals. We naturally associate conservative with age, the radical with youth. But Professor Ford is one of our elders who may, in the light of his present book, be grouped with the radicals. Not that he favors socialism or sovietism or bolshevism, but that he is a most severe critic of the existing methods and practices common to what is known as representative government. His book is an important contribution to the literature of protest against the operation of such representative government, especially in our country.

The first third of his space he devotes to a clear, concise outline of the origins of the representative government idea. He disposes decisively of the theory of a Teutonic origin which held the field for so long, and maintains the theory that representative government "got its mode and form from the church," "originated as a bud put forth by monarchy," and "developed first in England, not because people were more free there but because monarchy was stronger there than elsewhere." Its apparent success in England forced its consideration in other countries. He dates the general movement in favor of the system from the French Revolution of February 24, 1848.

Most of his book, however, is devoted to a keen critical analysis of the characteristics of representative government, as it operates in leading countries today. Nowhere between the covers of a single volume do I know of so complete a summary of the evidences of inefficiency in what is commonly referred to as representative government. And he does not mince words in his criticisms. From a lesser authority, or from a man suspected of revolutionary theories, many of his statements would be discounted as extreme. For example, relative to the common notion of the desirability of electing "good"

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men to office, he says: "it is of the essence of representative government that the people themselves shall be the judge . . . . it would be a misfortune if none but good men,—according to ordinary conventions,—should be chosen" (pp. 160, 161). "There is no greater fallacy in government than that of electing good men to office" (p. 202). Again, "Examination of things as they are, whether from the standpoint of theory or of practice, demonstrates that it is not possible to fill administrative office by popular election and at the same time have representative government" (p. 256). "The practical effect of the direct primary has been to establish a class rule of a singularly degraded and irresponsible character, producing results in the filling of public office that are sometimes absolutely grotesque" (p. 270). "The mass of crude, botched, tangled enactments dumped into the statute books by the two-chambered legislatures of the United States strikes with amazement any one who looks into the subject" (p. 276). "Instead of being a means of popular enlightenment upon political issues the effect of the presidential election is systematically to darken understanding of them. . . . The main reliance is upon slogans, claptrap, personalities and sentimental humbug, poured out in bewildering profusion on the principle that the people can be made to believe anything that is hammered into their ears long enough" (p. 285).

Before he has reached the end of Professor Ford's dissection of modern representative government, the reader is tempted to despair. Then, quite suddenly, the idea appears that what we recognize as representative government is not truly such, but is a spurious form, which the author calls a "multiple agency system." The name and nature of this corruption of the representative government idea might well have been developed at an earlier stage in the treatment. For his bitter criticisms of representative government are thus at the end explained as directed against the corrupt or spurious form, and not against a true system. Indeed, in the final sentence of the book, he affirms his belief in the true form,—"There has been sufficient practical experience to show that when actually installed under conditions which maintain its representative character, it is the form of government which attains the highest degree of practical efficiency together with the greatest stability."

It would have been well if Professor Ford had added a chapter or two developing further his constructive suggestions and knitting together his ideas concerning the practical operation of a true system

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of representative government. Indeed, there is material in this subject for a new book from his pen. Possibly he is already planning it.

LUCIUS H. HOLT.

West Point, N. Y.

Creative Experience. By M. P. FOLLETT. (New York: Longmans, Green and Co. 1924. Pp. xix, 303.)

The really constructive character of Miss Follett's work, *The New State*, in illuminating the nature of group organization and its significance for the problem of popular government, and the widespread attention which that book aroused among those students of the social sciences who are impressed with the importance of the psychological approach, assure for her latest work an immediate and interested audience.

In this volume she has gone even farther than in her earlier work in applying the principles of behavioristic psychology to social and political problems. The central principle is that of "integrative behavior," which is closely connected with the "circular response" doctrine of recent psychology. Holt shows that "in the 'behavior process' subject and object are equally important and that reality is in the relating of these, is in the endless evolving of these relatings." Behavior cannot be explained in the simple terms of stimulus and response, for the subject in being acted upon, simultaneously reacts upon the object. There is a continuous circular response. The relations, of which behavior is the product, are evolving and infinitely variable relations. The individual, in reacting upon his environment, so incorporates himself in his environment as to give it a constantly changing character in its relation to himself. Indeed "responding is not merely to another activity but to the relating between the self-activity and the other-activity." Behavior is thus integrative. If, thus briefly stated, this doctrine appears rather abstruse, the wealth of illustration with which the author develops it gives it a lucidity and obviousness that is convincing.

Experience, which is the process of relating, is creative. It is the dynamo-station which generates all that is real in life. Through the integration of experience something new is constantly being created. Purpose is not some far-off and transcendent goal, fixed immutably in the stars. It is itself the product of a creative experience and constantly evolves with experience. Will and rights, concepts which have played so important a rôle in political and social science, find no

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place in a system based on integrative behavior. Instead, we get the idea of desire, an evolving and developing desire, or rather of desires which, appearing in opposition, are capable of being integrated. Power instead of being the subject of bitter conflicts, instead of being located now in one place, now in another, is viewed as the result of creative experience. The emphasis is shifted from the location, the division, the delegation of power to the way in which it is produced and may be increased.

It is in the application of this principle of integrative behavior, or creative experience, that Miss Follett is most suggestive. With regard to a number of definite political and social problems her analysis and criticism are illuminating. One chapter is devoted to the function of the expert. Is he the revealer of truth? Without minimizing the legitimate influence which the expert should wield in our modern world, the fallacy of the view that there is a triple function to be performed, by the expert in discovering facts, by the administrator in forming policies, and by the people in consenting, is effectively demolished. This view ignores the principle of integrative behavior. Facts are not static but in constant flux and conditioned at all times by their relations, many of which are rooted in the evolving experience of the people themselves. Also, the function of the people cannot be reduced to a sterile consent. Their creative experience must be utilized at every moment. A participant, not a merely consenting, electorate is essential. It is only in the integration of the experience of all elements of a society that the opportunity for further creative conquest lies.

Likewise, the legal order is not to be envisaged as the mere guardian of truth. Law is and must be also creative, utilizing both the experience of the past as it has been crystallized in concepts and principles and the flowing experience of the moment. The nature of representation and the true character of the representative is most profitably discussed from the same angle.

Conflict assumes a different, a vastly important rôle when we apply the principle of integrative behavior. It is neither the unfortunate and deplorable incident of life which it is sometimes pictured, nor the ruthless but inevitable process of social evolution through which the stronger survive and dominate at the expense of the weaker. The essential and valuable element in conflict is the "confronting of interests." There are four means by which conflicts may be resolved: domination, voluntary submission, compromise, integration. In all

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the first three methods something is definitely lost; in the last nothing is lost and something is gained. The method of integration consists in discovering the essential desires of the opposing parties and through invention, or some similar means, realizing them all. But this is possible only while these varying desires are still in a state of solution; after they have become crystallized and have assumed an abstract form this method is very difficult or impossible.

Perhaps this brief review of some of the salient features of Miss Follett's work is sufficient to indicate the really dynamic character of her outlook. No tendency has been so marked in the recent development of political science as that which, looking behind the forms and functions of government, seeks to discover the foundations of political phenomena. These can only be understood in the light of behavioristic psychology. The path which Graham Wallas has broken and Walter Lippmann has widened must be broadened and elevated into a smooth and easily traversable highway. As a contribution to this very important achievement Miss Follett's work is most significant.

WALTER JAMES SHEPARD.

Washington University, St. Louis.

Political Action: A Naturalistic Interpretation of the Labor Movement in Relation to the State. By SEBA ELDRIDGE. (Philadelphia: J. B. Lippincott Company. 1924. Pp. xviii, 382.)

The reader of this book is likely to be pleased or disappointed according to whether or not he is seeking the particular type of information which the title might lead him to believe is contained within the covers. While a book which may be read with profit by psychologists, sociologists, political scientists and economists, it has little to do with either political action or the labor movement in any of its aspects. It is in reality a general introduction to social psychology, more closely resembling Professor McDougall's work than any previous book of the sort, though there is ample evidence of reliance upon the works of Thorndike, Trotter and Wallas, as well as decent acquaintance with all of the more novel trends in psychological thinking, including psychoanalysis and the recent assault upon the concept of fixed instinctive tendencies. Even the chapters under distinctly political captions are primarily psychological in content and implication, and only that on representative government (XXVII) deals primarily with political data.

The psychological prolegomena to social behavior and political action occupy more than half of the book, and comprise a mildly critical

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review of the chief instinctive tendencies and socio-psychic factors, such as hunger, fear, repulsion, pugnacity, the sex instinct, the parental instinct, acquisitiveness, self-assertion, submissiveness, curiosity, constructiveness, gregarious impulses, play tendencies, hedonic factors and habit. The last chapter in the book is devoted to an illuminating summary and discussion of this whole controversy regarding human nature between the various groups of psychologists and the cultural determinists.

In the chapters assumedly dealing with political problems, the most significant points emphasized are the dependence of political power and action on economic and psychological factors, the derivation of the sense of justice from class or group interest, the futility of hoping for full freedom of discussion in a class-dominated society, the failure of representative government on a territorial basis together with the pious illusion that elected officials represent their constituencies as a whole, the practical difficulties in the way of securing the actual operation of majority rule in a democracy, the manner in which psychic factors in society are most readily exploited by the economically ascendant class, and the difficulties in the way of a rapid solution of our complex social problems by idealistic liberalism and a socialized education.

In most cases the author has shown courage in handling controversial questions with frankness and candor.

All in all, the book is one of the most concise summaries in the English language of the psychological basis of economic and political action. The late Carlton Parker suggested that one might learn more concerning economic motives and behavior from a book like McDougall's *Social Psychology* than from such a work as Taylor's *Principles of Economics*. It is doubtless equally true that political behavior is more adequately approached in Eldridge than in Burgess' *Political Science*, and books of this sort are likely to be more and more consorted with by political scientists in the coming years. The misleading title should, however, be supplanted by one which will indicate just what the reader will discover in the book. Otherwise, the student who desires a summary of the psychological prolegomena to politics will never suspect that he will discover it here, and those who are seeking a systematic sociological study of the state will toss the work away in disappointment.

HARRY ELMER BARNES.

Smith College.

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The Newspaper and Authority. By LUCY MAYNARD SALMON. (New York: Oxford University Press. 1923. Pp. xxix, 505.)

Supplementing her previous volume, *The Newspaper and the Historian,* the author discusses in this book the problem of how far the restrictions placed on the newspaper press by external authority have limited its serviceableness to the historian in his attempt to reconstruct the past. The chapters take up successively various kinds of control: preventive censorship; punitive censorship (suppression or punishment of a newspaper after publication of the offending matter); regulation of the press through bribery, denial of mail privileges, and so forth; taxes on knowledge; special measures for the foreign-language and vernacular press, with an interesting chapter on the "clandestine press;" libel suits; press bureaus and propaganda; and the relationship between advertisements and propaganda. A mass of interesting information has been collected. In addition to the numerous illustrations of familiar methods by which the press is warped in war-time, interesting examples are given of the suppression of truth in peace, such as the exercise of the French censorship during the Peace Conference at the request of President Wilson, and the censorship in regard to conditions in China in 1914 by the Pekin Government and European bankers, so that Chinese bonds could be floated (p. 41).

The book has two serious faults. First, the information is not well digested. The book has apparently been compiled from press clippings and abstracts, so that the reader proceeds from paragraph to paragraph without much continuity. More might have been done to trace the development of the censorship in each country as a whole. Secondly, although a large number of legal cases are mentioned, they are cited entirely from books or press clippings. References to law reports are conspicuously absent. It is a serious defect, for example, that no reference is given to the official report (247 U. S. 402) of the Toledo *News Bee* contempt case (p. 38), or of the decision of the United States Supreme Court (255 U. S. 407) excluding the *Milwaukee Leader* from second-class mailing privileges (p. 164). Indeed, the author merely mentions the decision in the District of Columbia court. Omitted altogether is the important case of International News Service v. Associated Press (248 U. S. 215), in which the courts prevented a rival news agency from making prompt use of Associated Press items, although the law does not require the Associated Press to furnish its news to all newspapers who are willing to pay for it. The dissenting opinion of Mr. Justice Brandeis is especially valuable to students of the press.

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A large number of state cases might also have been mentioned, dealing with such questions as adverse criticism of a judicial decision (23 Ida. 191); scandal-mongering and indecent newspapers (136 Mo. 277); the validity of municipal ordinances forbidding the sale of particular newspapers, such as the *Dearborn Independent* (271 Fed. Rep. 479) or Hearst publications during the war (172 N. Y. Supp. 851), or German-language newspapers (89 N. J. Eq. 387); and the prohibition of press accounts of the execution of criminals (100 Minn. 173). The chapter on libel suits shows no trace of any study of decisions. There is no exposition of the very important legal rule of "fair comment," that no libel action can be maintained by a person who has made his acts, whether political or literary or dramatic, a matter of public concern, for the expression of defamatory opinions about such acts, so long as the criticism is made in good faith and without mis-statements of fact. Without such a rule, political, literary, and artistic criticism would be perilous indeed. William G. Hale's *Law of the Press* (St. Paul, 1923) has now made many important cases on these matters easily accessible to the nonlegal reader.

In spite of these defects, the author has supplied valuable material and references on the relations between government and press. One who approaches the problem from the legal side soon finds that many controversies never get into the courts at all or else are not appealed so as to be officially reported. Where the law reports are silent about a prosecution or censor's order, the discovery of information becomes a very arduous task, and in this Miss Salmon's book will be of frequent assistance. Something should also be said about her thoughtful reflections upon the arguments for and against political control of opinion, and the occasional effective massing of concrete instances to show the absurdities and futilities of suppression.

Z. CHAFEE, JR.

Harvard University.

Service Monographs of the United States Government. By the Institute for Government Research. (Baltimore: The Johns Hopkins Press. 1922–24.)

The Development of National Administrative Organization in the United States. By LLOYD M. SHORT. (Baltimore: The Johns Hopkins Press. Pp. xviii, 514.)

Administrators, legislators and students of government are much indebted to the Institute for Government Research for its excellent

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series of Service Monographs covering the important activities of the national government of the United States. To date thirty-two volumes, or about two-thirds of the total number proposed, have been published.

1. The Geological Survey.
2. The Reclamation Service.
3. The Bureau of Mines, Fred W. Powell.
4. The Alaskan Engineering Commission, Joshua Bernhardt.
5. The Tariff Commission, Joshua Bernhardt.
6. The Federal Board for Vocational Education, William S. Holt.
7. The Federal Trade Commission, William S. Holt.
8. The Steamboat-Inspection Service, Lloyd M. Short.
9. The Weather Bureau, Gustavus A. Weber.
10. The Public Health Service, Lawrence F. Schmeckebier.
11. The National Park Service, Jenks Cameron.
12. The Employees' Compensation Commission, Gustavus A. Weber.
13. The General Land Office, Milton Conover.
14. The Bureau of Education, Darrell H. Smith.
15. The Bureau of Navigation, Lloyd M. Short.
16. The Coast and Geodetic Survey, Gustavus A. Weber.
17. The Federal Power Commission, Milton Conover.
18. The Interstate Commerce Commission, Joshua Bernhardt.
19. The Railroad Labor Board, Joshua Bernhardt.
20. The Division of Conciliation, Joshua Bernhardt.
21. The Children's Bureau. In press.
22. The Women's Bureau, Gustavus A. Weber.
23. The Office of the Supervising Architect, Darrell H. Smith.
24. The Bureau of Pensions, Gustavus A. Weber.
25. The Bureau of Internal Revenue, Lawrence F. Schmeckebier.
26. The Bureau of Public Roads, William S. Holt.
27. The Office of the Chief of Engineers.
28. The United States Employment Service, Darrell H. Smith.
29. The Bureau of Foreign and Domestic Commerce, Lawrence F. Schmeckebier.
30. The Bureau of Immigration, Darrell H. Smith.
31. The Patent Office, Gustavus A. Weber.
32. The Office of Experiment Stations, Milton Conover.
33. The Customs Service, Lawrence F. Schmeckebier.

The monographs are prepared according to a uniform plan and set forth (1) the history and development of each service; (2) its functions and activities; (3) its organizations; (4) character of the plant; (5) a compilation of, or reference to, the laws and regulations governing its operations; (6) financial statements showing its appropriations, expenditures and other data for a period of years, and (7) a complete

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bibliography bearing on the service and its operations. In accordance with a definite policy, the studies are almost wholly descriptive in character, little attempt being made to criticise conditions or to suggest improvements. As stated in the foreword to each volume: "Upon administrators themselves falls responsibility for making or proposing changes which will result in the improvement of methods of administration. The primary aim of outside agencies should be to emphasize responsibility and facilitate its fulfillment." Each study shows great care and accuracy in its preparation, and a uniformly high standard of workmanship is displayed throughout the series. When completed, the monographs will constitute the most authoritative and exhaustive discussion of the organization, powers, and activities of the various services of the national government, and should prove invaluable to students of administration as well as to members of Congress and those actually engaged in carrying on the routine business of the national government. Copies should be in the hands of every member of Congress and the heads of departments, bureaus and commissions concerned.

Although the individual studies in the service monographs are primarily descriptive in nature and largely independent of one another, the Institute for Government Research has, through the publication of two other books, brought out to some extent the interrelation of the various services and has developed a critical and constructive program for the reorganization of national administration. One of these volumes on *The Reorganization of the Administrative Branch of the National Government* by Director W. F. Willoughby was reviewed in this REVIEW for August, 1923 (Volume XVII, p. 477). The second work on *The Development of National Administrative Organization in the United States* by Lloyd M. Short, although not planned for this purpose, acts as a historical introduction and also serves to tie the series of individual monographs together.

Dr. Short begins his book with a brief but critical account of the constitutional status of the administrative branch of the national government, the process by which administrative supervision and control have been vested in the hands of the President, and the increased importance of administration in this country during the last few years. Then follow ten chapters explaining the origin and foundations of the federal administrative organization during the years 1775 to 1800, with a detailed historical sketch of its development, department by

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department, down to 1860. The next portion of the book traces the development since 1860; while the last three chapters include a brief examination of the position which the President occupies today with respect to national administration, a description of the various proposals for administrative reorganization and a general conclusion.

The chief value of the book is to be found in its detailed and painstaking account of the various steps by which the central administrative machinery at Washington has grown up and of the basic principles which underlie the system, whenever such principles can be found. Confusion is avoided by brief summaries scattered at convenient places throughout the book and the work has been made something more than a mere piece of research by critical comments and a brief discussion of some of the present-day problems of departmental organization. Altogether, Dr. Short's study is a most useful contribution to the knowledge of national administration.

Among the more interesting parts of the book, other than the detailed history of the departments, is an explanation as to how the first Congress, influenced by the unfortunate experience under the Confederation with administration by boards and committees, provided in 1789 for the establishment of a system of single-headed administrative departments, thus establishing a precedent which has served as the basis for the later development of the national administrative organization. In tracing the recent development of permanent administrative bureaus, boards, or commissions, independent of the ten executive departments, the author makes clear that since 1883, and more especially since 1913, Congress, through the creation of detached agencies, has seriously undermined the original departmental system of organization and has departed, in a number of instances, from the system of single-headed administrative control.

Another interesting feature is a discussion of the bureau of the budget as a means whereby the President is enabled to perform his functions as the directing head of the business organization of the government. The author very aptly points out, however, that "the maintenance of his position . . . as administrator-in-chief which the President has attained through the bureau of the budget, for the first time in the history of the United States, will depend very largely upon the vigorous and persistent manner in which the President himself assumes all the great responsibilities devolving upon this direct leadership" (p. 456).

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The chapter on administrative reorganization contains a short but excellent historical account of the various recent proposals for reconstruction such as the recommendations submitted by the Institute for Government Research, the plan prepared by the National Budget Committee, Senator Kenyon's proposed department of public welfare, the preliminary plan of the joint congressional committee on reorganization, and President Harding's recommendations. The author closes with an expression of hope that the plan being formulated by the joint committee on reorganization "will go far toward removing the defects of the present system and will restore, as far as possible, the department system of administrative organization first established in 1789."

A. C. HANFORD.

Harvard University.

Social Politics in the United States. By FRED E. HAYNES. (Boston, Houghton Mifflin Company. 1924. Pp. xii, 414.)

Professor Haynes nowhere in this book attempts to define what he means by "social politics." In his *Third Party Movements Since the Civil War* he states that "social politics describes the entrance into the activities of political parties of new kinds of issues which seem to have been forced upon politicians by economic and social forces that can not be ignored." *Social Politics in the United States* is a much more ambitious work than the author's previous volume, since it endeavors to present a "comprehensive survey of the principal parties, organizations and movements involved in this process of socialization." If persons who have read Professor Haynes' previous books, and who have kept up with the recent literature on socialism, the labor movement and the agrarian discontent, expect anything new in the present work, they will probably be disappointed. The book is nevertheless, a useful compilation of the literature that has grown up around certain protest movements in the United States.

As the chapter headings indicate, the book describes broad movements. Little more could be expected in so short a treatise covering so vast a territory. In each chapter, considerable space is given to the analysis of the leaders of the different movements described. Thus utopianism brings up the name of Robert Owen; socialism is associated with Debs, Spargo, and Hillquit; the labor movement is closely connected with the career of Samuel Gompers; the single tax movement is the product of Henry George's agitation; nationalism springs from

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Edward Bellamy's book; the great tribune of the third-party movements in the latter half of the nineteenth century was General Weaver; the fomenters of the progressive movement were La Follette, Pingree, Jones, Folk, and Roosevelt; the moving spirits of the I. W. W. were Haywood and De Leon; a leading exponent of the new unionism is Sidney Hillman; and the chief sponsors of the Non-Partisan League were Townley and Frazier.

It is obvious to the student of recent American history that some of these men were not concerned so much with "social politics" as they were with the politics of their own particular group. Professor Haynes does not try to ascertain whether or not the leaders of these movements possessed peculiar characteristics, nor does he try to show, following the lead of Robert Michels, how the iron law of oligarchy operates even in social democratic movements, nor does he try to find out how close the relationship is between the fluctuations of business and the changes of politics. He has rather attempted to give a readable narrative of the protest movements that, although seemingly failures, have brought the major parties to conform to changing social and economic conditions.

Professor Haynes is optimistic about the socialization of politics in the United States. He concludes that "Social democracy is really coming in the United States as an orderly development out of the political, constitutional, economic, and industrial progress of the country. The democratic West has been a chief source as it has marched across the continent, but its impulse has been strengthened by other influences such as that of the organized workingmen and of the social workers in our cities." Such optimism, coming from a fair-minded student of Iowa history, in these days of pessimism in labor circles and among social scientists, is refreshing.

HAROLD F. GOSNELL.

University of Chicago.

Boss Platt and His New York Machine. By HAROLD F. GOSNELL. (Chicago: University of Chicago Press. 1924. Pp. xxiv, 370.)

In this book Dr. Gosnell describes "the social background, the personal qualities, and the technique of a typical state political boss." Only in part of the work is the chronological method followed. In other words, action is related as a rule to certain definite backgrounds, in the first instance to that of party organization, then to the governorship, the legislature, and to administration generally. Doubtless this

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will prove somewhat disturbing to readers of conventional biographies who are habituated to following "the adventures of a soul on its journey through the world,"—said journey being divided into many easy stages and punctuated at convenient resting-points by soporific dates and soothing chapter-headings. On the other hand Dr. Gosnell's book will make a strong appeal to political specialists. It is truly pioneer work; it essays the use of "the new tools of survey and comparison, of statistics and psychology." The result is an extraordinarily broad and brightly illuminated canvas, on which Roosevelt figures scarcely less prominently than Platt himself, on which, moreover, scores of other personages of national or state importance are sketched in sharp outline. Many earlier writers have given us excellent accounts of bossism in general, but to Dr. Gosnell's credit it must be said that he has succeeded admirably in depicting throughout all its ramifications and functionings a particular machine, and that a machine which ranks clearly among the most important and most powerful in the history of the country.

So far as can be determined by one whose knowledge is confessedly incomplete, Dr. Gosnell's work is excellent in judgment and quite impartial throughout. He has been imposed upon neither by the clamor against Platt nor by the glamor of Roosevelt. It is evident that the latter was much more of a civil service reformer before, and much more of a "trust-buster" after, his contact as governor with the New York machine. Frankly Platt seems a preposterous figure in many ways, yet the author does not permit himself so much as a smile in dealing with the "Easy Boss." However, at times he does provoke a smile by permitting the latter to expose himself almost indecently, as, for example, in quoting Platt's characterization of himself as the only "possible redeemer of the wicked city" of New York! Throughout the book one constantly runs across excellent detailed studies of particular topics,—for example, the discussion of availability under machine conditions in New York; of Lowell's test of partisanship in legislation; of the gold plank in the Republican convention of 1896; and of the "kicking up-stairs" of Roosevelt in 1900. The array of facts handled is enormous, they are admirably marshalled, and references to sources are freely given. On the other hand typographical errors are much too frequent.

An extremely interesting introduction to Dr. Gosnell's book is contributed by Professor Merriam, in which the latter applies his discussion of the characteristic traits of political leadership, already

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familiar to readers of *The American Party System*, to the writing of political biographies. It is evident, however, that the peculiar merit of *Boss Platt and His New York Machine* depends primarily upon exhaustive analysis of political forces and political organization rather than upon "psycho-biological" analysis, although character-reading is employed with great effectiveness, particularly in the chapter dealing with "The Personal Qualities of Platt and Roosevelt." However, all students of politics will agree that biographies of leaders such as Tilden, Blaine, Garfield, Reed, Cleveland, Pettigrew, LaFollette, and Debs, and of bosses such as Croker, Tweed, Ruef, Cox, Quay, Brayton Penrose and others of the same type, if executed with the same thoroughness and impartiality Dr. Gosnell has demonstrated in dealing with Platt, would contribute materially to the advancement of the science.

ROBERT C. BROOKS.

Swarthmore College.

The American Judge. By ANDREW A. BRUCE. (New York: The Macmillan Co. 1924. Pp. 218.)

This book begins with a mis-statement. The duties, it is said, of an American judge are "so arduous that he must of necessity be a student and a recluse." From a "part-time" judge that cannot be expected, and recluses are less and less frequently put on the bench. The author also asserts that "the average American judge" is overburdened with work; but this is a proposition difficult to maintain.

He discusses at length the limits of state sovereignty. "In the past," he says, "the Supreme Court of the nation has maintained some semblance of the American doctrine of dual sovereignty, but now by the extension of the interstate commerce powers of Congress, which it is every day sanctioning, there is a tendency to make Washington the lobby camp of the world and practically to destroy the last vestige of state rights" (p. 51).

Professor Bruce deplores the misuse of precedent. The United States Supreme Court seems to have taken the position (p. 73) that it would be utterly derogatory to its influence to admit that it had ever erred, and that to overrule a former decision fairly and squarely would wreck the ship of state. "After all it is obedience to the letter and to the spirit of the Constitution that is required of our courts, and not obedience to any particular construction which they or their predecessors may have put upon it. Many of the past constructions were adopted under

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social and industrial conditions totally different from those which now prevail—we need to make the law, and especially constitutional law, intelligible to the ordinary intelligent citizen."

We give, Professor Bruce declares, too much publicity to acts of crime. "We have made it a familiar thing. We have been living in an automobile age, in an age of social display. Parents have set the pace and their boys and girls have followed. Money talks and everyone is after the money. Pleasure is the one end. In the mad search for pleasure, forgery is an incident, and theft is common. In the movies our young people are shown the glitter of the cabarets and of the dancing house, and of the gambling joints. In the movies they are taught how to steal. We need reverence and contentment more than we need a reformed criminal code. We need God more than we need the law" (p. 108).

"A government by law must find its foundation in a respect for its administration. There never can be any large measure of respect for the American judge, and for a government of law as long as the judicial primaries exist. . . . A primary election system compels the judges who are already in office and who seek reëlection to beg for votes, and no judicial officer, who does so, can be respected. The honorable refuse to do this and, sooner or later, the honorable usually fail of reëlection. Something, indeed, is wrong when judges such as Cooley of Michigan, Mitchell of Minnesota and McClain of Iowa, are driven from the bench. Life terms for state judiciaries will, it is believed, be acquiesced in only when, by constitutional amendments, the judges are deprived of the powers to exercise, or by their own volition, cease to exercise, the political and legislative powers which they assume today, and when they discard the use of the writ of injunction in labor cases. These prerogatives, however, should never be surrendered or be taken away. On our constitutional system the stability of our institutions and the maintenance of our democracy depends. It is this which gives the opportunity for the sober second thought of which every democracy is much in need. The writ of injunction is the preventive medicine of the law."

"If every one is bound to know the law, every one should have the means of acquiring such knowledge in our schools of law" (p. 174). "The province of the law school, in short, is not nearly so much to furnish practicing lawyers, as to train an intelligent citizenship. . . . If it is necessary that we shall maintain agricultural experiment stations, and shall furnish institutions where the science of agriculture may be

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promoted and studied, it would also seem that we should furnish equal facilities for the study of government—for law is merely applied political science, applied social ethics, applied civilization."

Judge Bruce is a pessimist. He strikes hard, but not always well-considered blows.

SIMEON E. BALDWIN.

New Haven, Connecticut.

Child Labor and the Constitution. By RAYMOND G. FULLER. (New York: Thomas Y. Crowell. 1923. Pp. xvi, 323.)

This is perhaps the sanest and most poised book that has been written upon the subject of child labor. Mr. Fuller rightly insists that the aim of reform should be "not an unoccupied but a well-occupied childhood." His program is consequently not merely one of negative prohibitions but one which calls for the thoughtful coöperation of home, school and government in creating those opportunities for children which make for the good life. The chapter upon rural child labor is an especially valuable revelation of the exploitation of children in the beet, cotton, and truck-vegetable fields. It should stir the conscience of those in the rural regions who have hitherto conceived of child labor only in terms of factory, mine and street employment, and have ignored the abuse of childhood frequently going on before their eyes.

Mr. Fuller's analysis of existing state legislation is informative and thorough, as is his review of the political and legal history of the proposed child labor amendment to the Constitution. The fundamental inconsistency of the Supreme Court's declaration that the use of the taxing power for the purposes of regulation and prohibition is unconstitutional with their previous approval of the oleomargarine and drug taxes is clearly shown. Mr. Fuller advocates a constitutional amendment which, unlike the prohibition amendment, will not of itself enact legislation, but will merely give Congress the power to legislate. The states, moreover, may fix standards in occupations not covered by an act of Congress, and above the minima which may be set up. Cooperative administration by the state and national authorities along the lines worked out under the first and second child labor laws is advocated.

Once the age at which children can enter industry is raised, there will remain the problem of providing them with a healthy and inspiring school life, and of granting scholarships to the needy to compensate

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the parents for the loss of the child's earning-power. Prohibitive legislation is a necessary first step but with it child labor reform is not finished—it has just begun.

PAUL H. DOUGLAS.

University of Chicago.

With Congress and Cabinet. By WILLIAM C. REDFIELD. (New York: Doubleday, Page & Co. 1924. Pp. xi, 307.)

With no attempt at literary grace ex-Secretary Redfield gives us his experiences as congressman and cabinet member during the Wilson administration. This simple, unadorned tale of a successful manufacturer, exporter and production expert, who has traveled widely and observed clearly, will be interesting and instructive reading for any citizen. As a successful business man he served the reform administration of Seth Low as commissioner of public works of Brooklyn. In 1910 the large independent vote of the fifth congressional district of New York sent him to Congress. Here his experience as a manufacturer of export goods had drawn him from adherence to protection over to the free-trade ranks. His first speech in Congress on the Underwood tariff attracted attention because of its grasp of "production and cost detail" by one who spoke in "plain factory language, the gospel of American industrial courage."

A familiar discussion of the fatal lack of close coördination between the legislative branch and the executive is enlivened with many personal experiences sometimes bordering on the ludicrous. Many examples are given of fatal results of congressional economy in lopping off appropriations for the executive departments, in following a penny-wise and pound-foolish policy.

The author sets forth clearly the wide ramifications of governmental activity into the industrial and business life of America, and cites many concrete cases of the pecuniary benefit of such activities to both business men and consumer. There are vivid personal sketches illustrating the parsimony of the government in rewarding creative genius of its scientific employees. The candid discussion of pork-barrel legislation is reassuring in this day of popular distrust of Congress.

The under-emphasis on the author's experiences is perhaps due to his expressed conviction that in most of the books dealing with our

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governmental affairs "stress is laid on the talker rather than on the doer," whereas "the work of our government is its glory—a record unequalled on the earth."

JOHN L. CONGER.

Knox College.

The Local Government of the United Kingdom. By JOHN J. CLARKE. (London: Sir Isaac Pitman & Sons, Ltd. 1924. Pp. xv, 484.)

Municipal and Local Government Law (England). By HERBERT EMERSON SMITH. (London: Sir Isaac Pitman & Sons, Ltd. 1923. Pp. xi, 247.)

The first of these volumes is an excellent illustration of the value of limitation of objectives in bookmaking. The author has attempted nothing more nor less than a handbook of practical information for English local government officers, and the effort has been rewarded with success. Printed as a compact handbook, the work gives in small compass a surprising amount of concise and reliable information. Following some brief chapters in which are described the parishes, the districts, the boroughs, and the counties as units of local government, and the central departments which control them, there are chapters on the local administration of finance, health, highways and bridges, housing, town-planning, municipal-trading, police, education, child-welfare, poor-relief, defectives, old-age pensions, labor exchanges, unemployment insurance, and a number of other functions. In every case it is the aim of the author to stress the powers and duties of local officers. The method is that of summarizing and explaining briefly the important statutes under which the officials must act. Here is to be found no note of inspiration, no illuminating flash of interpretation, but instead law upon law, and fact upon fact, for the guidance of officer and student. Everything is neat, orderly, and well-ticketed.

On the other hand, the volume by Mr. Smith is no such storehouse of information. Its purpose is to provide a simple, direct statement and explanation of the principles of the law of municipal corporations in England. It also deals with the statutes, but not in such great detail, and it adds thereto a statement of the leading decisions in which the courts have construed the local-government acts concerned. Thus, while to a large extent both volumes under review deal with the same statutes, the treatment of one is primarily factual, while the other stresses legal principles. For this reason the two do not duplicate each other to any great extent. Both volumes include adequate bibliographies and good indices.

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Readers of the REVIEW will be interested to know that the volume by Mr. Smith is designed primarily for the use of local government officers "who are preparing for examinations of the National Association of Local Government Officers, the Royal Sanitary Institute, the Institute of Municipal Treasurers and Accountants, and kindred institutions." In the appendix the reader is told how to prepare for examinations, and is not spared even that homely old bit of advice: "Take a complete rest from reading the day before the examination."

The perusal of these two volumes suggests how impossible it would be to have similar handbooks for the United States, where each commonwealth has its own municipal institutions. At the same time, how excellent a thing it would be if our local officers, generally, had advanced to that plane where they would be willing to buy and to read books informing them more fully about their functions and responsibilities.

WILLIAM ANDERSON.

University of Minnesota.

Government and Politics of Belgium. By THOMAS HARRISON REED. (New York: World Book Company. 1924. Pp. xiii, 197.)

The slender proportions of the volume belie the scope of this most recent and very welcome addition to the Government Handbook Series by Mr. Reed. The book contains a survey of the "Land, Language, and People" (ch. I), the "Beginnings of the Belgian State" (ch. II), "The Constitution" (ch. III), the composition and functioning of the legislative, executive and judicial branches of the central and local governments (chs. IV, V, VI, VII, and VIII), and ends with an examination of "Political Parties" (ch. IX).

It necessarily results that the treatment of each subject is very restricted. Herein, lies the chief limitation of the work. Brevity is always beset by two grave dangers: first, that the available space is used for a description of the institution in question so that any critical evaluation has to be omitted; second, that conclusions are drawn without presenting sufficient evidence to the reader to make them justifiable. In this brief work, covering such an extensive field, it has been impossible to avoid either pitfall entirely. For example, after a scant two pages (pp. 56–57) Mr. Reed concludes that "Compulsory voting must be counted a success in Belgium" (p. 58). The basis of his conclusion is that ordinarily not more than six per cent of the voters fail to go to the polls. But what of the ten per cent of the

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ballots which are either blank or void? (p. 57). Is this silent protest against being forced to perform the duties of a free citizen to be entirely disregarded? Or are those who assume office by virtue of such an election truly representative? Mr. Reed does not concern himself with such questions as these. The experiment works without undue friction in Belgium; therefore, he considers it a success.

In speaking of the Senate as a "successful second chamber" he bases his claim on the ground that "the service which it renders in detailed consideration of measures . . . . is incalculable" (p. 82). But he has just pointed out (p. 79) that during the course of Belgian parliamentary history (*i.e.*, since 1831) the Senate has amended only ninety-four bills sent to it from the Chamber where all bills "of real political importance, including the budget are always started," and has rejected only twenty-two. Does this then raise no question of the superfluity of the Senate's "detailed consideration?" Again, the justification of the national and local systems of proportional representation is primarily that "the Belgians are satisfied with it" (p. 52). Little or no attempt is made to analyze the effects of the systems on the political life of the community.

It must be recognized, however, that the avowed intention of the author is not to present "an exhaustive treatment of Belgian public law nor to rehearse in detail her political history" but to "state briefly, and with such accuracy as a stranger may hope to achieve, the essential features of her governmental organization and party system" (p. xi). Probably it is in dealing with the latter subject that Mr. Reed has performed his most valuable service. His last chapter, which occupies a quarter of the book, is devoted to a study of political parties and their activities. Here, he has collected material which can be obtained only from scattered pamphlets and records and by personal observation. A flood of light is thrown on an extremely obscure subject and the consequent illumination is most instructive.

Since the book is meant to be only an introduction to the subject it is to be regretted that there is no "selected bibliography" at the end of each chapter, and that no "critical bibliography" has been appended. The former volumes of the Government Handbook Series have had both these desirable features and the substitution of a few references in a footnote at the beginning of some of the chapters is hardly a felicitous innovation. It is to be hoped, therefore, that it is a peculiarity of this book, and not of the remaining volumes of the series.

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The book has one other merit which should not be overlooked; it is extremely readable. Moreover, Mr. Reed seems to have caught the spirit of the Belgian people, which lends added value to his work.

FRANCES E. WILLIS.

Sometime Fellow at the University of Brussels.

Latin America and the United States. By GRAHAM H. STUART. (New York: Century Company. 1922. Pp. ix, 404.)

This volume is intended as a textbook on diplomatic relations of the United States with the more important Latin American countries. It does not pretend to add any notable new facts or interpretations to the vast literature already available on this subject but it does, nevertheless, render a most valuable service in assembling in convenient, accurate form the outstanding features of each of the problems under discussion. Scrupulous care has apparently been devoted to the presentation of the many contentious questions in this field in a thoroughly nonpartisan fashion. There are ample criticisms of American policy, when such criticism seems in order, and there is no excess of jingoistic verbiage on the one hand nor of carping, ill-considered abuse on the other.

One of its outstanding virtues is the conciseness with which each important problem is analyzed. Save for the last chapter which deals with Brazil, there is very little unnecessary material. In the latter case some minor incidents might well have been omitted. The references are particularly useful in this crowded field where guideposts are peculiarly necessary in order that useless diversions might be avoided.

The book presents a genuine and understanding plea for better mutual knowledge and consequently more amicable relations among the American Republics. Its concise review of the conditions leading up to the enunciation of the Monroe Doctrine is particularly valuable, as are also the compact, well-presented historical backgrounds of such problems as our relations with Colombia, Mexico and Cuba. The chapter on Porto Rico is also useful in that it presents aspects of our relations with Latin America which are all too frequently eliminated from literature on this field.

A valuable feature of the book is its carefully-selected but liberal references to the voluminous literature on the subject.

JULIUS KLEIN.

Washington, D. C.

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The Mexican Nation: A History. By HERBERT INGRAM PRIESTLEY. (New York: The Macmillan Company. 1923. Pp. xviii, 507.)

The distinguished Spanish dramatist, Jacinto Benevente, has found Mexico the most cultured of all the Latin-American republics. His observation will come as a distinct shock to most citizens of the United States, whose easy-going ignorance pictures the country as one of unrelieved Indian barbarism. Yet the persistent revolutions of today are but the outward and visible sign of an inward and spiritual groping of the Mexicans toward nationality and political stability, after centuries of inertia under a misguided Spanish tutelage. In this we find the theme of Professor Priestley's history of the Mexican nation. It purposes to interpret to the North American public the colonial background and "the trend of political, economic, and social activity . . . . which has made Mexico so great a problem in national growth and so continuous a study in international relations." The introduction supplies, in the space of ten pages, an admirable short essay on the historical evolution of the Mexican people since the conquest by Cortes. The book as a whole is the most satisfactory single volume on the general history of Mexico that we possess.

Approximately half of the volume is devoted to the colonial epoch, with excellent chapters on the activities of the church and the refinements of colonial life. The development of the administrative organization of New Spain, however, is a bit vague and confusing, and is a matter that needs some clarifying. There are also some inaccuracies of statement. When Pánfilo de Narváez arrived on the Mexican coast in 1520 to arrest Cortes, he had with him considerably less than 1500 men (p. 41). The Christian name of the third governor of New Spain was Marcos, not Martín (p. 51). Compostela in New Galicia was not the later Guadalajara (p. 52). The name of the queen of Charles V was not María, nor was she regent in Spain in 1528 (p. 53). The doges of Venice did not precede the Portuguese in establishing trading stations in the Orient (p. 53). It was not a cargo of negroes that William Hawkins traded on the Brazilian coast in 1530 (p. 86).

The narrative steadily improves in quality as it approaches more recent times. The reviewer regrets, however, that social and economic conditions in the nineteenth century were not more fully described. The agrarian problem is not sufficiently emphasized, or given its proper place in the unfolding of the story of the nation. Nevertheless, the volume is a well-written and well-ordered account of Mexican history, and provides the essential basis for any further and more critical treat-

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ment of the subject. The three maps inserted in the body of the text are ruined by poor printing, and by reduction to a scale which makes the place names almost unreadable. The comprehensive bibliography at the end will be exceedingly serviceable to any student of Mexican affairs.

C. H. HARING.

Harvard University.

An Indiscreet Chronicle. By B. L. PUTNAM WEALE. (New York: Dodd, Mead & Company. 1922. Pp. 248.)

The latest volume from the admirable pen of Bertram Lenox Simpson who writes under the name of B. L. Putnam Weale is another indiscreet chronicle—this time it is "from the Pacific." Inscribed on the title page is a line from Oscar Wilde: "questions are never indiscreet; answers sometimes are. . . . " Mr. Simpson professes to have given answers to questions—especially those concerning the revocation of the Anglo-Japanese Alliance and the Washington Conference on Disarmament.

Mr. Simpson starts out with a frank statement of his recent convictions. Among other things, he has come to believe that the policy of the defunct Manchu dynasty "in forbidding in the seventeenth century in as absolute a manner as possible intercourse with western countries was scientifically correct."

The genesis of the cancellation of the Anglo-Japanese Alliance is traced with convincing evidence to Canada. What preceded the Imperial Conference of 1921—the economic conditions of Canada that demanded in unequivocal terms the revocation of the alliance, the legislative struggle in Ottawa before the departure of Prime Minister Meighen for London, have all been dramatically exposed. Why Canada should be given so much consideration in imperial policy is explained by pointing to the one significant date that aptly covers the situation: 1776!

His view of the settlements reached in the Washington Conference is curtly summed up in one sentence. In spite of "the provisions made at Washington for dealing with China, we see that the real struggle has yet to come." The book is concluded with an estimate of the policies of China, Japan, Great Britain and the United States, in the light of the tendencies of their development.

At times, Mr. Simpson allowed his nationality to outrun the justifiable limits of fair criticism. In pinning the United States down as the

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"romantic sinner" in Far-Eastern diplomacy, he goes so far as to say that "from the enunciation of the Hay doctrine of the Open Door in 1899 to the exchange of the Lansing-Ishii notes in 1917 she accomplished nothing that influenced in any degree the onward march of the peoples of the East, while contributing a great deal to their confusion and unrest." The treatment of the part played by Dr. Reinsch in the declaration of war by China against Germany is anything but sympathetic, The main attack is centered about the fact that the United States did not lend any material assistance to China. Fortunately, Dr. Reinsch has left us his memoirs setting forth with considerable detail his side of the incident. He did do his best. To expect more is to show a lack of appreciative comprehension of the embarrassing friction between President Wilson and his department of state.

One can not but close the volume with the feeling that, all through the work, the personal element has been brought too much to the fore. The attention of the readers is so much engrossed in the magnificent rôle played by Mr. Simpson, himself, in these transactions that they are liable to miss some of the more subtle suggestions. It may not be an indiscreet chronicle from certain points of view, but it certainly is an indiscreet autobiography.

CHAO-YING SHILL.

University of Minnesota.

The Outlines of Sociology. By EDWARD ALSWORTH ROSS. (New York: The Century Co. 1923. Pp. xiii, 474.)

Social Problems and Social Policy. By JAMES FORD. (Boston: Ginn and Co. 1923. Pp. xiii, 1027.)

The first of these books is essentially only a briefer edition of the author's *Principles of Sociology*, condensed by omission and telescoping of chapters, and designed to make his "system" available to classes devoting less than a semester to the subject. Consequently anything that may be said of this book applies also to the *Principles*.

There is little of the philosophical in Ross's work. He has both a system and a method. His system is confined mostly to social processes. His method is inductive and superficial. But by superficial no slur or adverse criticism is intended. He takes the surface phenomena as he finds them, and does not bother to trace out their deeper psychological causation. He is quick as a woman in catching concrete details, and is a skilful analyst of their relation to this or that one among the long list of processes with which his chapters deal.

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From the standpoint of formal science this book may not easily pass muster, but there can be little doubt that the author, in spite of the defects of his style, has accomplished what he set out to do—write a book which people innocent of economic or psychological training can and will read. Moreover, he makes a constant challenge to ethical judgments, and this cannot but enhance the interest and the stimulative quality of the book as a classroom text. The *Principles* and this *Outline* may in time take their place among forgotten systems, but they will have left a greater precipitate of real sociological thinking among this generation of students than many a more formalistic and academically philosophical treatise.

Professor Ford's book is evidently designed not primarily as a "Readings" in sociology, or even in social ethics for its own sake, but for classes in the problems of poverty, defectiveness, and criminality, with which the last three parts, over two-thirds of the pages, deal. It is presumable that students who devote as much time to these problems, as the course for which this book is prepared would demand, must have at least a semi-professional interest in the field. If that is the case, they should not come into such a course until they have had elsewhere the requisite introduction to the economic, ethical, and sociological "principles" essential to any broad-minded understanding of, or attack on, problems of pathology. Why, then, does Professor Ford devote 350 pages to Social Purpose (Part I) and Social Method (Part II)? It is just possible that he should have made two books instead of one.

Nevertheless, it is admirable to insist that students of social problems, especially those "going out into practical social service," should have some background of modern ethics, and especially some thought as to the purpose of the work, such as Part I is designed to afford. It is quite probable that sufficiently critical discussion of the excellent material in Part I will lead to and clarify the conviction that the purpose or end of all social effort is the life of the individual, just as Part II will lead to a clearer understanding of the fact that this end is subserved only through rational social coöperation and institutions progressively adapted to that process.

It is usually supererogatory to criticize the selections in a book of readings. Professor Ford has chosen admirably in the main. His sins, if any, are those of omission. Since he had to omit something, in spite of the thousand pages at his disposal, it is perhaps mere caviling to note that his selections on poverty do not range beyond the conventional articles on standards of living and causes of dependency.

A. B. WOLFE.

Ohio State University.

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The Sources of Law in the Swiss Civil Code. By IVY WILLIAMS. (New York: Oxford University Press. 1923. Pp. ii, 191.)

While this essay well serves the purpose of introducing the principal features of the Swiss civil code of 1912, the primary object of its author was not to present a mere commentary upon the detailed textual provisions of the code but rather to discuss the fundamental nature of the judicial function, as that function is conceived by the framers of the code, and as it is actually worked out in judicial decisions.

The pivotal section of the code, section 1, declares: "The Law must be applied in all cases which come within the letter or the spirit of any of its provisions. Where no provision is applicable, the judge shall decide according to the existing customary law and, in default thereof, according to the rules which he would lay down if he had himself to act as legislator. Herein he must be guided by approved legal doctrine and case law." The underlying theory of this section is further elaborated by section 2 which provides that, "All persons are bound to exercise their rights and fulfill their legal duties according to the principles of good faith," and section 4 directs the court to "base its decision on principles of justice and equity, where the law expressly leaves a point to the judicial discretion of the judge or directs him to take circumstances into consideration".

These sections are discussed from historical, philosophical and practical standpoints. One chapter is devoted to the consideration of the nature of the judicial function, as developed so extensively in the writings of continental jurists; after which review, the author concludes that the novelty involved in directing the Swiss courts to exercise the legislative function consists merely in the express recognition of the fact, rather than in the fact itself.

Three chapters present the practical results reached in judicial decisions based on these sections. The author concludes that, for the most part, the courts reach results by direct application of the code or by interpretation, and but seldom rest their decision exclusively upon their exercise of the legislative function.

The author has rendered a real service in undertaking to trace a theory of law in its practical manifestations. The work constitutes a valuable contribution to that body of legal literature which is concerned with something more than the mere dogmatic aspects of law and of legal institutions.

It will be interesting to watch the development under section 1, and to note its effects on the course of judicial decisions. It may be hoped

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that the author will carry out his expressed desire to continue his investigations in the Swiss law.

WILLIAM E. BRITTON.

Indiana University.

African Questions at the Paris Peace Conference. By GEORGE LOUIS BEER, edited by LOUIS HERBERT GRAY (New York: The Macmillan Company. 1923. Pp. xliv, 628.)

The untimely death of Mr. Beer, the chief of the colonial division of the American delegation to negotiate peace, and alternate member of the commission on mandates, deprived American scholarship of one who had long ago established his competence as an authority on British colonization and imperial problems. His selection as adviser to the American delegation on colonial questions was universally approved. The extraordinary value of the work he accomplished in preparing data beforehand, and afterwards at Paris, is demonstrated by this book.

Although Mr. Beer did not live to put into form for publication his papers and notes, and to give a written account of his work on the mandates commission, we have not been deprived of the record. Enjoying an intimate knowledge of the subject matter which no one else possessed, Mr. Gray has published Mr. Beer's notes and papers in a form worthy of their author and of the importance of the subject. In addition, we have Mr. Gray's introduction, which gives an account of the rôle played by the United States, through Mr. Beer, in the deliberations of the commission on African colonies. After Mr. Wilson left Paris, the Peace Conference continued to have the advantage of Mr. Beer's wide knowledge, sympathetic understanding, and detached point of view.

This book contains an astonishingly varied and diversified amount of information concerning colonial problems in Africa, and the treatment throughout is that of the political scientist rather than of the historian. Mr. Beer sets forth the beginnings of the German colonial movement as the effort to establish a "new Germany." He discusses in details the political and economic factors underlying German colonial policy, the way the colonies were governed, and the reasons for colonizing and administrative failures.

A larger portion of the book is taken up with a discussion of the economic aspects of middle African problems, and of international coöperation and control in middle Africa. Great Britain's experiment in Egypt is set forth more objectively than in any other book we have

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read. There follows a summary of colonial questions, with recommendations concerning each. A hundred pages of annexes give the text of mandates and other documents, which were the Peace Conference's contribution to the solution of the African questions.

The reviewer is familiar with virtually all the books given in Mr. Beer's bibliography. He feels sure that the American student of political science will find in no one volume, or in half a dozen volumes selected from the list, as much accurate information and as mature and impartially expressed judgments as are crowded into the pages of this one book. It is sound; it is illuminating; and it is a safe and convenient guide to problems of government, internal and international, in Africa.

HERBERT ADAMS GIBBONS.

Princeton University.

BRIEFER NOTICES

Ways to Peace, Twenty Plans Selected from the Most Representative of those Submitted to the American Peace Award (With an introduction by E. V. Lape, and a preface by E. W. Bok, Scribner's, pp. 463) contains the runners-up for the Bok Peace Award, together with the winning plan by Dr. C. H. Levermore. Most of these peace proposals deal with organization and methods rather than with aims—except the aim of "peace." Professor Borchard proposes the formation of an international trade commission, while Mr. Gutzon Borglum suggested the control of world trade through the waterways to the high seas. Similarly, Mr. Bruncken proposed international control for raw materials. Still others, among the economic determinists, argue for free trade as the basis of international coöperation. A number of plans naturally provide for American adherence to the World Court and to the League of Nations, either as an active or an associate member. Mr. Stanfield proposes an international criminal law to try individuals responsible for aggressive war; while Dr. Nathan Isaacs proposes to abolish the doctrine that a sovereign state cannot be sued in its own or other courts of justice. David Starr Jordan suggests that a bureau of conciliation should be established in the American state department; while President Eliot proposes an international conference with a large number of committees, dealing not only with political subjects but with such things as "the true definition of a successful business," and "family and school discipline." Probably the best part of the book is the introduction by Miss Lape who classifies the 22,165 plans submitted for the award under the general headings

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of those who wish to enforce peace and those who wish to create a will toward peace. It is regrettable that the oil scandals overshadowed the Bok award. But it, together with *Life's* prize for bigger and better wars, has kept the light of internationalism flickering in a dark period of American life.

America's Place in the World by Herbert Adams Gibbons (Century, pp. x, 227) is a semi-popular sketch of the most important aspects of the foreign policy of the United States such as the Monroe Doctrine, the Open Door, arbitration, limitation of armaments, recognition of new governments and the effect which participation in the League of Nations and the world court would have upon these policies. The author is of the opinion that the United States is to be congratulated for remaining out of the League of Nations, that we should face the fact that our constitutional system is a rigid one that "does not lend itself to international coöperation" and that it is "impossible, unless the system be changed, for the United States to participate with European nations effectively on the Council of the League of Nations or in international organizations formed for continuity of operation." The book closes with an appeal for the adoption of a policy of self-interest rather than emphasis on America's "moral influence" in world affairs. There are naturally, in a book of this nature, many conclusions with which numerous serious readers could well take issue.

In November, 1923, the World Alliance for International Friendship through the Churches held a congress on America and the World Court of International Justice, at Philadelphia. Some thirty addresses were given at this congress by religious and political leaders, all of whom supported the world court and many the League of Nations. A notable feature of the conference was the "messages" given from other countries of the world. These addresses have been brought together by Frederick Lynch, D.D., in a volume entitled *Mobilizing for Peace* (Fleming H. Revell Co., pp. 324). This book is another indication of the remarkable "anti-war" wave which has been sweeping over America.

Henry Bournes Higgins, for fourteen years president of the Australian Court of Conciliation and Arbitration, has written an account of the history, results, and present-day problems of that tribunal in an illuminating study entitled *A New Province for Law and Order*

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(Dutton, pp. vii, 181). Justice Higgins explains how, with no precedents or "book of instructions" to begin with, there was gradually developed a body of standards, rules and practices which could be applied to the settlement of industrial disputes. The author takes issue with those who have attacked the court in recent years and maintains that it has greatly aided in securing the continuity of industrial disputes in the troublous and critical times following the war, that it has produced great improvements in the condition of the workers, and that it has largely reduced to system and standardized the use of human life for industrial processes. At the same time, he recognizes the imperfections and the shortcomings of the system, and emphasizes the point that an industrial tribunal cannot be expected to solve all the problems of labor and capital. The author closes with a severe criticism of the Industrial Peace Act of 1920, which makes possible the creation of special tribunals for the prevention or settlement of industrial disputes. It is his belief that this may undermine the usefulness of the Court of Conciliation and Arbitration, and he sets forth his reasons for resigning as a protest against the action by the Australian Parliament. The book is a distinct contribution to the study of governmental regulation of labor controversies.

From Renaissance to Revolution by Sylvia Benians (E. P. Dutton Company, pp. xiii, 199) aims to find a summary for the history of Europe in the sixteenth, seventeenth and eighteenth centuries in terms of political philosophy. The Renaissance, in the name of human dignity, destroyed the static mediaeval society in which the individual was lost in the group, and created a dynamic society in which the individual was all but lost in the state. Social and intellectual freedom, however, the individual did obtain. The Renaissance finally set up the despotic sovereign state on one hand, and the free-thinking human being on the other. The *philosophes* of the eighteenth century sought to complete this work by making the despotic state humane. Even they, however, worked through benevolent monarchs, and did not try to make the individual politically free. They failed, and the French Revolution is the end of the Renaissance. For the Renaissance, though it believed in energetic human expansion, was aristocratic, European, reasonable, and on the whole law-abiding; the Revolution was to be democratic, nationalist, romantic and violent. The book is, of course, more subtly shaded than such an outline can indicate.

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It is perhaps more useful for the student who wishes a rapid review than the more difficult *Lectures on Modern History* of Acton, which have much the same scope.

Dr. S. E. Morison, on leave of absence from Harvard University as Harmsworth Professor of American History in the University of Oxford, has brought together a most useful collection of *Sources and Documents Illustrating the American Revolution, 1764–1788 and the Formation of the Federal Constitution* (Oxford University Press, pp. xliii, 367). The volume contains all the absolutely essential documents, such as the Declaration of Independence, and the federal Constitution; the more important acts, resolves, state constitutions, and so forth, not easily accessible elsewhere, and miscellaneous source-material such as debates, letters, and frontier petitions which illustrate the state of public opinion. The material falls under four main headings, such as the taxation question, 1764–1770; the Western problem, 1763–1780; the crisis of 1772–1776 and the state and federal constitutions, 1776–1788. Dr. Morison has written an introduction of some thirty pages which ties together the data in an admirable manner. Teachers of state and national government will find the recommendation from the Continental Congress in regard to the formation of state constitutions, the Virginia Bill of Rights, the Pennsylvania Constitution, the Constitution of Virginia, the petition of the Concord town meeting demanding a constitutional convention in Massachusetts, and the extracts from the Federal and Virginia convention debates of value for class-room work.

American Social History by Allen Nevins (Henry Holt and Co., pp. viii, 577) is a compilation of extracts from the writings of British travellers in the United States from the time of Washington down to such recent well-known figures as Lord Bryce. While intended primarily as a description of social life and conditions at various periods of our history, the book contains a great deal of material from out-of-the-way sources that is useful to political scientists. For example, there is an account of the inauguration of President William Henry Harrison by T. C. Grattan, British Consul from 1839–1846; sketches of Lincoln, Seward, Chase, Jefferson Davis and his cabinet by William Howard Russell; the account of conditions in New Orleans in 1846 by Charles Lyell, a comparison of American cities with English towns by Anthony Trollope, and statements of the importance of towns in

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the United States by Edward A. Freeman. The latter extracts throw light on municipal life during its various stages of development. The author has tied the selections together by carefully-written introductions for each period and a biographical sketch for every writer.

Although intended primarily for use in graduate courses in schools of social service, Miss Edith Abbot's *Immigration: Select Documents and Case Records* (University of Chicago Press, pp. xxii, 809) has a wealth of material on immigration legislation and administration which should be useful to students and teachers of government. Part II, for example, dealing with the admission, exclusion and expulsion of aliens, includes extracts from state laws and reports on the subject from 1788 down to the latter part of the nineteenth century, selections from statutes, reports and speeches, giving the history and development of federal immigration legislation after 1882 and a selected list of court decisions interpreting the immigration law and its administration. There are also a large number of *bona-fide* social case records drawn from the files of the Immigrant's Protective League of Chicago and the Immigrant's Commission of Illinois. Much of the material presented is from hitherto unpublished sources or from reports, statutes, and other documents, not easily accessible to the average student.

The H. W. Wilson Company has published as one of the volumes in its series of books entitled "The Reference Shelf," a small booklet on *The Power of Congress to Nullify Supreme Court Decisions* (Dormin J. Ettrude, compiler, pp. 106). The book contains an affirmative and negative brief, a seventeen-page bibliography and reprints of some dozen or more articles on both sides of the question as to whether or not Congress should be given authority to reënact laws which have been declared unconstitutional. Other volumes in this same series which might be of interest to students of government are *The Kansas Court of Industrial Relations, Cabinet Form of Government, State Censorship of Motion Pictures, League of Nations,* and *Independence for the Philippines.*

The Macmillan Company has brought out a new edition of the second volume of Carlton J. H. Hayes' *A Political and Social History of Modern Europe* (pp. xi, 905). The chapter on international relations from 1871–1918 has been revised in view of more recent information concerning the diplomatic background of the war, and a new section of

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five chapters has been added dealing with the World War, the Peace Conference, the Russian Revolution and the present situation in Europe. The book is especially valuable to students of government because of its emphasis on political matters such as imperialism, nationalism, the growth of democracy, governmental institutions, and diplomatic relations.

The European States System by R. B. Mowat (Oxford University Press, pp. 96) is a brief historical and critical account of the attempt to establish and maintain a balance of power and later a concert of powers in Europe; of the various treaties and settlements, especially those of Westphalia, Utrecht, Vienna, and Versailles; and an appraisal of the Covenant of the League of Nations as the basis for a new and more adequate state system. "There is still a European system," writes the author, "but Russia is outside it, and Central Europe, although inside it, cannot speak with one voice; it is, for the moment, almost like a political Tower of Babel. Actually, when the European system has at last acquired a Constitution, and when the greatest Asiatic states have come into partnership with it, the private antagonisms of its members seem as acute as before."

Five Years of European Chaos by Maxwell H. H. Macartney, (Dutton, pp. 242) is one of the numerous books on European politics which have appeared during the post-war period. In addition to a chapter describing the general condition of affairs, there are interesting accounts of the revolution in Hungary, Austria's struggle to get back on her feet, Emperor Karl's attempt to regain his throne, the difficulties surrounding the plebiscite in Upper Silesia, the rebirth of German unity, the Irish situation in 1922, the second flight of King Constantine, and the fall of the Sultan. The author has gathered his data first-hand as the result of five-years' travel in all parts of Europe, and the book has the merit of displaying in most of its parts a fair-minded attitude showing both sides of complicated questions.

The New Education in Europe by Frederick William Roman, (Dutton, pp. xvi, 271) is a careful and detailed survey of the recent changes that have been made in public education in Great Britain, France and Germany from the standpoint of legislation, organization, administration, policy and general aims. The author lays special stress on the modifications that have resulted in all three countries from the

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growth of democracy, from foreign relations in France, and the change in form of government in Germany. The book closes with a comparison of educational developments in the three countries under the headings of medical inspection, sex education, and organization. There are numerous facts, figures and tables to back up the author's views.

A serviceable study of *The Constitutional System of Brazil* (pp. 270) by Professor Herman G. James of the University of Texas, has been published by the Carnegie Institution of Washington. This includes a brief survey of the historical background; an analysis of the federal basis of the Brazilian system; accounts of the federal Congress, Executive and Judiciary; chapters on the Declaration of Rights, the suspension of constitutional guaranties, the state constitutions, the federal district and territory and conclusions. The general theory of the distribution of powers is the same as in the United States,—a central government of specified powers and state governments of general powers; but in the detailed specification of powers the Brazilian national government has important powers not expressly given to the central government in the United States, such as the power of intervention in the affairs of the states, and the power of general legislation in matters of criminal, civil and commercial law; and at the same time the central government in Brazil is in some respects more limited than in the United States; and the constituent states in Brazil enjoy powers that are in some respects more extensive and in others less extensive than in the United States. In his conclusions, Professor James cites the severe criticisms of the Brazilian government by Amaro Cavalcanti, in his *Regimen Federativo e a Republica Brazileira*, published in 1900; and notes that while there have been marked improvements since that time, some of the serious ills of which Cavalcanti complained are still present, though in process of elimination.

La Epoca de Rosas, by Ernesto Quesada, an interpretative book by a leading Argentine historian and sociologist which was published a quarter of a century ago, has been reprinted in the notable series of publications of the Instituto de Investigaciones Historicas (No. XVIII, Jacob Peuser, Buenos Aires; pp. xcvii, 240). Its teachings may be summed up in Quesada's phrase: "Rosas is the Louis XI of Argentine history." In addition this volume contains some unedited documents,

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a recent appreciation of Dictator Rosas by N. Binayan, as well as comments by journalists, publicists and literati upon the views of Quesada.

Japanese Civilization by Kishio Satomi (E. P. Dutton & Company, pp. 238) has for its central theme the idea that the harmonization of the civilization of the East with the West is one of the most important tasks before the world if universal peace is to be established. His book is an explanation of the doctrine of Nichirenism and its relation to the "national principles" of Japan and her spiritual civilization. Nichirenism teaches the communion of the living with those who have gone before, the restoration of the primeval connection with the eternal Buddha, and that religion is not an abstract truth but a life to be lived.

Crystallizing Public Opinion by Edward L. Bernays, (Boni and Liveright, pp. viii, 218) is an exposition of the importance and functions of the new profession of "public relations counsel" or press agent, as he is most commonly known, together with an analysis of the character and origins of public opinion, the factors that make up the individual mind and the group mind, and a description of the technique and methods which should guide those whose business it is consciously to mold public opinion. The book closes with a section on ethical relations, which the author concludes by quoting from Professor Von Ferdinand Tonnier that "the future of public opinion is the future of civilization. . . . It is . . . certain that it is more and more being influenced, changed, stirred by impulses from below. . . . . The duty of the higher strata of society—the cultivated, the learned, the expert, the intellectual—is therefore clear. They must inject moral and spiritual motives into public opinion. Public opinion must become public conscience." And to this the author adds the comment that "It is in the creation of a public conscience that the counsel on public relations is destined, I believe, to fulfill his highest usefulness to the society in which he lives."

Professor J. M. Mecklin of Dartmouth College has written an account of the history, causes, extent, and sources of strength of the Invisible Empire in a book entitled *The Ku Klux Klan* (Harcourt, Brace and Company, pp. 244). The book is based upon a year's special investigation and expresses the opinion that the organization

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makes its greatest appeal to those who have been guided by a mistaken notion of Americanism, to those who are suffering from an "inferiority complex," and "to the petty impotence of the small-town mind. . . . It is a refuge for mediocre men." The author concludes that "The uniform opinion of the best element in every community is that the Klan has never had any real justification for its existence. It has flourished by creating false issues, by magnifying hates and prejudices or by exploiting misguided loyalties. It can not point to a single great constructive movement which it has set on foot."

Professor Arland D. Weeks, in his *Control of the Social Mind* (D. Appleton and Co., pp. xvi, 263), discusses social psychology and, especially, its possible contributions to the solution of problems "of social and community affairs, and of national and international relations." The springs of human action are described in epigrammatic style, with illustrations drawn vividly from the fields of business, politics and education. Then shrewd and liberal-minded suggestion is made as to the more efficient and constructive utilization of such motives. The rôles of the instincts, of habit, and of the defense mechanism are described; the creative aspect of play, the social uses of memory, and the power of suggestion are explained. "The future," Mr. Weeks believes, "belongs to the great natural motivations of instinct illuminated by logical analysis, developed attention, self-restraint, verified knowledge, and disciplined imagination."

In *Behind and Before* (Cambridge University Press, pp. xv, 166), Mr. W. E. Heitland inquires how citizens, both leaders and followers, may be more efficiently equipped for the duties of public life. He concludes that the study of history is valuable if it brings realization of "the infinite variety of circumstances and the relativity of opinions and policy, both past and present." In the future, the counsels of biology, (eugenics) and social psychology must be heeded, and the driving power of religion somehow utilized.

Floyd Henry Allport's *Social Psychology* (Houghton Mifflin, pp. 453) furnishes the student of politics with a better understanding of the technical psychological approach to his problems than many of the swelling stream of books on this subject.

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Among the chapters in Arthur Twining Hadley's *Economic Problems of Democracy* (Macmillan, pp. 162), lectures in England under the Foundation of Sir George Watson Chair of American History, the student of politics will find the discussion of "collective bargaining in politics" most interesting. He is critical of the *bloc* system and looks with disfavor upon the decline of the legislator's independence of action, due to the increasing influence of his constituents on his vote and the shift in parliamentary debate from persuasion to defense.

Henry H. Curran, active in the politics of New York City during the last decade or so, former president of the borough of Manhattan, and a candidate for mayor in 1921, makes an appeal for greater popular interest in government and active participation in politics by every person in *John Citizen's Job* (Scribner's, pp. 253). The book is rich with anecdotes drawn from the author's own experience and is indeed a kind of autobiography of one who has both played the game of politics and watched it from the side-lines.

Among the recent texts for high school use are *Everyday Problems of American Democracy* by John T. Greenan and Albert B. Meredith (Houghton Mifflin Company, pp. xvii, 506). The book does not attempt to describe in detail the organization and functions of the American government but sets forth information in the form of problems, giving the affirmative and negative side of each and leaving the student to draw his own conclusions.

The Law of the Press, by William G. Hale (The West Publishing Company, pp. 503), is primarily intended for use in schools of journalism, although it contains much of interest to the general reader or student. The law of libel, and the freedom of the press are dealt with at considerable length, while briefer sections are devoted to such topics as the right of privacy, publications in contempt of court, rights and duties of news-gathering agencies, copyright, contracts, and official and legal advertising. Upon each of these topics there is a lucid, nontechnical statement of the law, followed by a selection of illustrative statutes and court decisions.

The Editor and His People (Macmillan, pp. xiii, 380) is a collection of editorials by William Allen White, brought together by Helen O. Mahin. Several sections of the book are devoted to editorials on

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political questions including such matters as the Populist movement, the boss system during the late nineties and the first part of the present century, the burdens of the presidency of the United States and freedom of speech.

A useful series of *Public Personnel Studies* is being issued by the bureau of public personnel administration of the Institute for Government Research at Washington, D. C. The six numbers of volume I (October to December, 1923) include a discussion of fundamental principles of Intelligence Tests in the Civil Service, and A Comparative Study of Clerical Tests in five parts. The first three numbers of volume II include studies of Civil Service Tests for Patrolmen in Philadelphia, The Classification of Labor Positions and the Testing of Labor Applicants in the Public Service, Methods of Selecting Employees to fill High Grade Positions in the Public Service, and Suggested Tests for Prison Guard.

A special report on *American Forms of Municipal Government*, compiled by Dorsey N. Hyde, Jr., has been published by the civic development department of the Chamber of Commerce of the United States. This includes a brief history of city government, an analysis of various types of city government, a discussion of some general principles of municipal administration, with appendices giving references to books and periodicals, lists of commission and city manager cities and charts of city government forms.

For years there have been excellent works on city-planning by English authorities but until recently nothing has appeared which could be regarded as a textbook for students of the subject in that country. *Town Planning and Town Development* (Dutton, pp. xvi, 204) by S. D. Adshead aims to meet this need. The book is nontechnical in its nature, and the first half treats largely of the social and administrative conditions that influence town-planning at the present time. There are interesting chapters on the sociological basis of town-planning, the relation between towns as it affects their physical development, town extension, transportation, traffic requirements and highways, and zoning. The central theme running through these chapters is the effect which industrial progress and the development of means of intercommunication have had upon the physical layout of cities, and the

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need for greater consideration to these problems as they affect town-planning. The last five chapters give a detailed history and analysis of the housing and town-planning acts passed by Parliament and the procedure which must be followed by the local authorities under these acts. The book is well-written and contains numerous excellent illustrations and maps.

Students of state and local government will be interested in a small booklet of sixty-five pages on *Community Health* by Donald B. Armstrong (Funk and Wagnalls Company), one of the volumes in the National Health Series edited by the National Health Council. Of special interest is the brief chapter setting forth the salient points which should guide public authorities in regard to legislation, administration, and educational work in the field of public health.

American Problems by Senator William E. Borah (Duffield and Co., 329 pp.), is a collection of speeches delivered between 1911 and 1923 which deals with a wide variety of subjects, including a plea for a national memorial to Hamilton and such pertinent subjects as the bonus, the League of Nations, economy in federal expenditures and the recognition of Russia.

Darker Phases of the South by Frank Tannenbaum (G. P. Putnam's Sons, 203 pp.) is a brilliantly written attempt, not to condemn or evaluate, but to interpret intelligibly such manifestations as the Ku Klux Klan, the Southern mill village, the penal systems and lack of agricultural diversification. There is no rancor and little fault-finding. Both northern and southern readers will profit from a careful reading of this challenging study.

Oil Trusts and Anglo-American Relations by E. H. Davenport and Sidney Russell Cooke, (Macmillan Co., 265 pp.) is a clever attempt to show how the control of oil has supplanted that of steel as the supreme strategy among competing national groups. The authors cherish hopes of a close and stabilizing *entente* between Great Britain and the United States, resting on their predominant control of this essential product. There is a highly interesting chapter dealing with the part oil has played in the post-war international conferences. Two valuable maps of the principal oil deposits are appended.

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Workmen's Representation in Industrial Government by E. J. Miller (University of Illinois Studies in the Social Sciences. Vol. X Sept.–Dec. 1922, Nos. 3 and 4) is a useful collection of information concerning "Work Councils," especially in the United States. It contains a sketch of the council movement abroad, in which unfortunately there is no mention of France.

Roosevelt: Prophet of Unity by Hermann Hagedorn (Scribner's, pp. 142) is a highly sympathetic interpretation of this most interesting of American leaders as one who always stood for national solidarity and struggled against sectional, religious, racial, social and economic cleavage. It is an interesting and vigorous elaboration of Roosevelt's idea of the "square deal."

The Real Daniel Webster, by Elijah R. Kennedy (Revell, 271 pp.) attempts to refute all adverse criticism of the man and presents him as a superman of intellect, morals, power and probity.

In this centennial year of his death it is a happy circumstance that the *Political Career of Lord Byron* has been stressed for us by Dora Neill Freeman (Henry Holt, pp. 363). The task was not an easy one but Miss Freeman has picked out the purely political aspects of his varied career, and has shown him as a radical member of the House of Lords in England, dilettante intriguer in Italy, and an ardent nationalist in Greece.

Forty Years in Washington by David S. Barry (Little, Brown, pp. 349) are the reminiscences of an old newspaper man who has recently been appointed sergeant-at-arms of the U. S. Senate. The recollections begin in 1876 when the writer was a page in the Senate, and intimate glimpses are given of all the Presidents, prominent members of the Cabinet, and of Congress since that time.

The Contrast gives the impressions of Hilaire Belloc (McBride, pp. 267) in regard to the differences between Americans and Europeans, with special reference to differences between Americans and Englishmen.

A handsome book is *Mediaeval England*, a new edition of Barnard's *Companion to English History*, which has been edited by H. W. C.

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Davis (Oxford Press, pp. 632). Those who knew the original *Companion* and its great value will be pleased to find that it has been enlarged and revised.

The Purple and The Red by Charles Hitchcock Sherrill (Doran, pp. 318) is a plea for conservatism and the usefulness of royalty. General Sherrill has interviewed most of the remaining crowned heads and conservative leaders of Europe, and he gives us both word and photographic pictures of them, emphasizing their admirable qualities.

E. P. Dutton and Company are the publishers of two stimulating little books, *Daedalus* by J. B. S. Haldane (pp. 93) and *Icarus* by Bertrand Russell (pp. 64), in which are found a scientist's startling optimism and a philosopher's sobering pessimism regarding the future effect of science upon human existence.

The Macmillan Company has brought out a reprint of *The Young Man and the Law*, by Simeon E. Baldwin, ex-chief justice and governor of Connecticut, president of the American Bar Association and of the American Political Science Association, and for many years professor of law at Yale University. The book first appeared in 1920.

Professor Seligman has revised his textbook on the *Principles of Economics* (Longmans, Green and Company, pp. lx, 711) bringing the work down to date. Another recent book in this same field is *Economics for Everyman* by James Edward Le Rossignol (Henry Holt and Company, pp. vi, 335) in which essential principles are set forth in simple form.

Harcourt, Brace and Company have brought out an abridgment of Henry George's *Progress and Poverty* (pp. x, 214) which reduces the work to a little more than one-third its original size.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND ARTICLES

CLARENCE A. BERDAHL
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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